



# B-1 VISA APPLICATION PROCEDURES



The following guidelines provide general information on the process of applying for B-1 visa.<sup>1</sup> We recommend reading through the guidelines in their entirety before beginning the application process.

B-1 classification is appropriate for short-term trips to the United States for business meetings or other activities that do not involve local employment.<sup>2</sup> The B-1 is thus not a “work visa.” Performing services for, or being paid by a U.S. employer while in B-1 status could result in severe penalties under the immigration law, including deportation.

Please note that the different embassies and consulates around the world have different visa application procedures, and these procedures change frequently. We therefore recommend that you consult the specific consulate or embassy’s website for the most up-to-date information on its procedures before booking an appointment. A directory of all U.S. embassies and consulates may be found online at <https://www.usembassy.gov/>. Once you find the appropriate consulate’s or embassy’s homepage, you should navigate to the “Nonimmigrant Visa” page, which should provide the necessary information.

Please also note that if you will be applying for your visa in a country other than your country of nationality or residence (“third country national” or “TCN” visa applications), you may be required to apply for a visa to enter that country. U.S. consular posts also have discretion not to adjudicate TCN applications or may impose special requirements or longer wait times on such applications. Please check with our office for policies at specific embassies or consular posts.



## COMPLETING THE FORM DS-160 VISA APPLICATION

Each visa applicant (including each accompanying family member) must complete a Form DS-160 before booking a visa appointment. Completing a Form DS-160 is done online at the U.S. Department of State website at <https://ceac.state.gov/genniv/>. You will upload a digital photo as part of the electronic-filing (“e-filing”) process. Photo specifications are standard, face-forward passport photos.<sup>3</sup> You will need to make at least one attempt to upload a photo to generate the barcode required for appointment booking. Note that characters such as ñ, é, ü, ç are not recognized by the system.

Answers to some of the questions are noted on the next page.

<sup>1</sup> This memo is intended for clients of Goeschl Law Corporation and is for informational purposes only. While we hope that this information is helpful as general background information, we cannot warrant its applicability, accuracy, or completeness, given the many intricacies of specific factual circumstances and scenarios and the frequent changes to immigration policy and procedures. Please also note that this memo does not cover procedures for “L-1 Blanket” visas or any other visa classifications.

<sup>2</sup> Nationals from many countries may enter the U.S. without a visa to engage in business or other non-work reasons for up to 90 days. A list of eligible countries, and other requirements for this program may be found at: <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visa-waiver-program.html>.

<sup>3</sup> See the Department of State’s website for complete specifications at: <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/photos.html>.



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## Are you the principal applicant?

The answer is "**Yes.**" For your family members, the answer is "**No.**"

## U.S. Address

If you do not already have a residence in the United States, please indicate "in care of" the employer name and address where you will work.

## Purpose of Trip to the United States

You should indicate "**Business.**"

## Intended Length of Stay in the United States

Your answer should correspond to the period necessary to complete your business activities and should not be longer than 6 months.

For more information on completing the Form DS-160 Visa Application, please contact our office or visit: <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/forms/ds-160-online-nonimmigrant-visa-application.html>.

Upon e-filing, a Barcode Number will be generated. Please save and print your DS-160 confirmation page (you will bring this to your visa appointment). We also advise that you save a copy of the Form DS-160 application in its entirety for your records.

## BOOKING A VISA APPOINTMENT



There are nearly 300 U.S. embassies and consular posts around the world and most of them have different visa appointment booking procedures. You will therefore need to refer to the specific post's website for its latest instructions. Please also feel free to contact our office if you have questions. In most cases, you will have to call an "appointment call center" and pay an appointment booking fee using a credit card to book the appointment.

**Important Note:** For some consulates and embassies, appointments must be scheduled several weeks prior to your desired interview date. You should therefore book an appointment as far in advance as possible.

## PAYMENT OF VISA FEES



As with appointment booking procedures, U.S. embassies and consulates have different procedures for paying the \$205 USD MRV (Machine Readable Visa) fee. Please consult the specific post's website for the latest payment procedures. In most cases, the appointment call center will advise you of these procedures.

**Important Note:** Citizens of some countries will be required to pay an additional "reciprocity fee." Generally, this fee is paid at the Embassy on the date of your appointment.



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## REQUIRED DOCUMENTATION

You will need to submit the following documents to the United States consulate or embassy at the time of your appointment:

- **Form DS-160.** Once the DS-160 has been e-filed, please print a copy of the Confirmation Page with the barcode and the completed application, and bring these with you to the U.S. embassy or consulate at the time of your appointment.

**Important Note:** The U.S. embassy or consulate will not be able to process your visa if you do not have the Form DS-160 confirmation page in your possession.

- **Photograph.** As noted above, you will need to upload a digital photograph as part of the Form DS-160 visa application. You are also required to bring an identical hardcopy photograph at the time of your interview.
- **Appointment Notice.** For most posts, this will be generated and emailed to you once you have booked your appointment. Note that some posts do not generate a notice, and you will only be given a confirmation number over the phone. You should review this document carefully, as it may contain important post-specific information not covered in this memo.
- **Receipt for Visa Application (MRV) Fee.** Each applicant is required to pay the non-refundable visa application fee of US \$190 prior to the appointment date. Please refer to the embassy or consulate's website on specific instructions to pay this fee.
- **Valid Passport.** Each applicant must bring a passport containing at least 2 blank pages and any expired passports with previous U.S. visa(s).

**Important Note:** The passport must have at least 6 months of validity.

- **Invitation Letter or Other Documentation Indicating the Purpose of Your Trip.** The company or organization in the United States who is inviting you for the business meeting(s) should provide an "invitation letter." The letter should be printed on the company's letterhead, be signed by a designated official of the company, and include the following:
  - A brief description of the company inviting you for the meeting(s);
  - An explanation of the purpose of the meeting(s), and why the meeting(s) must take place face-to-face in the United States;
  - The date, and locations of the meeting(s);
  - Names of person(s) with whom you will meet;
  - Confirmation that the inviting company will pay your travel expense (if applicable); and
  - Confirmation that you will not perform any productive employment while in the United States, and you will not be paid directly by the U.S. company (aside from travel expenses).
- **Evidence of other Business Activities.** If you are coming for business activities other than



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meetings, such as to attend a seminar or conference, and do not have an invitation letter, we recommend bringing documentation that describes the event or activity, such a program or brochure, and evidence to show that you are signed up to attend the event. You should also bring evidence of your financial means to pay for your trip yourself, such as bank account statements, or a letter from your employer abroad confirming that it is paying for the trip.

- **Evidence of Ties to your Home Country.** B-1 status is a “strict nonimmigrant” status, which means that you must prove to the consular officer when applying for your visa that you will return to your home country at the conclusion of your temporary business trip. For this reason, embassies and consulates may request a copy of your return transportation itinerary, and temporary lodging while in the United States. Embassies and consulates also often request evidence of “ties” to your home country such as a letter verifying your current employment abroad (if applicable), deeds to real property, rental agreements for housing, marriage certificate (if your spouse is not traveling with you), birth certificates of children (if not traveling with you), and so on.
- **Resume and Academic Credentials.** We recommend that you bring copies of your resume and academic credentials, and provide these if requested by the consular officer.
- **Third Country National (TCN).** If you are applying as a TCN, you must bring evidence of your visa status in the country where you will be applying for your visa at the time of the interview.
- **Reciprocity Fee.** Citizens of some countries are required to pay the Reciprocity fee. Please visit <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html> to determine if you are required to pay this fee.
- **Additional Documentation.** Some embassies and consulates also require additional documentation for B-1 visa applicants. Please consult the post's website or contact our office.

## The Visa Interview



Please review the information provided on your visa appointment notice, which usually provides specific information on the appointment procedures for the consulate or embassy where you will be applying. You should arrive 30 minutes prior to the appointment, and bring all of the required documentation listed above.

Visa interviews usually only last a few minutes, but you may be required to wait several hours before you meet with the consular official conducting the interview. You will likely be asked about your academic background, work experience, and the purpose of your trip to the United States.

At the conclusion of the interview, the consular officer will either notify you that the visa application has been approved, denied, or that additional “administrative processing” is necessary (see below). If approved, you should receive your passport back with the issued visa within a few days. If “administrative processing” is required, or in the unlikely event that the visa is denied, please notify the appropriate contact person at your company, or an attorney at our office right away.



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## Application Processing Time and “Administrative Processing”

In most cases, your passport with the approved visa will be returned to you within 2-5 days of your appointment. In some cases, however, applications may take significantly longer depending on the applicant’s background. As noted above, some applications are referred for “administrative processing” which can take several weeks or even months. Such processing is more likely for persons who are nationals of certain countries, have a certain kind of professional or political background, and/or have been previously arrested. **Please notify Goeschl Law Corporation if you have ever been arrested, or have had previous immigration violations as soon as possible prior to making your visa appointment.** We will advise you if we believe that administrative process delays are likely in your case. However, the decision to refer an application for such processing is entirely within the discretion of the consular officer reviewing your application, so any application may be subject to such processing. Visa applications are also occasionally delayed by weather conditions and other unforeseeable circumstances. For these reasons, we recommend that you do not make non-refundable or non-changeable travel plans to the U.S. until your passport with the issued visa has been returned to you by the U.S. Consulate or Embassy.

Please contact our office if you need additional assistance with your B-1 visa application.