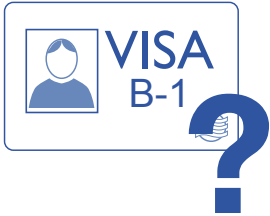




B-1 Business Visitor Visa FAQs

1) What is a B-1 visa?



B-1 business visitor visa classification is designated for foreign nationals coming to the United States for a temporary period to engage in meetings, seminars and other activities not involving “local” employment. Persons who are not Canadian citizens, and do not qualify for the Visa Waiver program (“VWP”, see below), must apply for a B-1 visa at a U.S. Consulate or Embassy in their home country. B-1 visas may be granted from a few months to up to 10 years depending on the applicant’s nationality. Regardless of how long the visa is valid, a person entering in B-1 status will only be allowed to stay no more than 6 months upon each admission. The inspecting immigration officer may grant a shorter period depending on the person’s intended activities in the United States.

Engaging in unauthorized employment while in B-1 status can result in significant liability for the employing company and severe penalties for the individual. Employees and managers should therefore take special care to ensure activities carried out in the United States in B-1 status are consistent with these guidelines.

1.1) What are permissible B-1 activities?

PERMISSIBLE

- ✓ Seminar
- ✓ Board Meeting
- ✗ Employment

As noted above, B-1 status (including VWP status) does not provide employment authorization in the United States. In some situations, a person’s activities in the United States may be considered permissible even though the activities may involve work. These are generally situations where the work is conducted for the benefit of an organization outside of the United States and not for an entity in the United States. Note, however, that under no circumstances may a person in B-1 or VWP be compensated in the United States, aside from a small per diem for travel expenses.

Examples of activities likely to be considered permissible for B-1 and VWP status by the Customs and Border Protection and the Department of State, assuming person is on payroll outside the United States, include:

- Person comes to the United States for meetings and seminars for several weeks from corporate headquarters abroad. During this time, he or she responds to emails, and works remotely to fulfill regular duties assigned from the foreign headquarters.
- Person comes to attend board meetings in the United States.



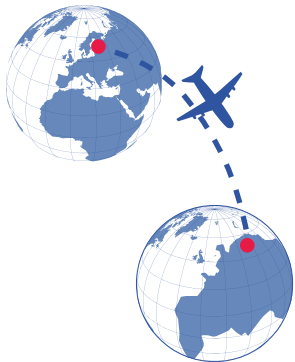
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- Person comes for a few weeks to help implement a new global software upgrade which is being implemented at all company offices worldwide.
- Person comes to the United States for audit-related activities in connection with parent company's consolidated financial reporting.



Examples of activities NOT permissible under B-1 and VWP classification include:

- Person is coming to the United States to temporarily fill a position held by a U.S.-based employee who is taking a temporary leave of absence.
- Person being transferred to the United States to fill a two-year temporary international assignment (even though the person will remain on foreign payroll).
- Person coming to assist the company in the United States due to staffing shortage.



1.2) When should a work visa be sought?

Where the person's activities constitute local work, a work authorized visa classification should be sought. Employees of multinational corporations who have worked for a related entity outside the US for at least one year may qualify to be transferred to the United States pursuant to L-1 or L-1 Blanket status. Depending on nationality (if same as the corporate parent), employees may also qualify for E-2 treaty investor status regardless of how long they have worked for the company abroad.

In situations where it is not clear whether the person's activities are permissible for B-1 or VWP status, it is better to err on the side of caution and seek work-authorized classification. This will protect the employee and the company from any finding by the government of unauthorized employment. Even where a person's activities clearly fall in one of the permissible activities listed above, it often makes sense to seek work-authorized status if the person will be coming to the United States on a frequent basis. There have been situations where employees coming for frequent visits to the United States have been delayed by the Customs and Border Protection and told that they need work authorization. Having an appropriate work visa will generally make the process of entering the United States quicker and easier.



B-1 Business Visitor Visa FAQs



1.3) What is the Visa Waiver Program?

Citizens of certain countries may enter the US as business visitor without applying for a B-1 visa pursuant to VWP. A complete list of VWP eligible countries is provided below. This program allows the person to stay in the United States for up to 90 days for business purposes. However, VWP status does not allow for extensions of stay, or changes of status. Like the regular B-1 business visitor status, VWP status does not grant work authorization. Note that if a person stays beyond the 90-day limit permitted by VWP status, he or she will be permanently barred from entering pursuant to this program in the future.

1.4) Which countries participate in the Visa Waiver Program?

There are currently 38 countries participating in VWP:

Andorra	Germany	Malta	Spain
Australia	Greece	Monaco	Sweden
Austria	Hungary	the Netherlands	Switzerland
Belgium	Iceland	New Zealand	Taiwan
Brunei	Ireland	Norway	United Kingdom
Chile	Italy	Portugal	
Czech Republic	Japan	San Marino	
Denmark	Latvia	Singapore	
Estonia	Liechtenstein	Slovakia	
Finland	Lithuania	Slovenia	
France	Luxembourg	South Korea	



1.5) Are there special requirements for travelling on the Visa Waiver Program?

Yes. All VWP travelers are now required to obtain an authorization using the Electronic System for Travel Authorization (ESTA) prior to travel. ESTA is web-based and may be accessed online at <https://esta.cbp.dhs.gov/>.



B-1 Business Visitor Visa FAQs

The system will ask basic biographical and eligibility questions. Although applications may be submitted at any time prior to travel, the government encourages individuals to apply as soon as travel is planned. In most cases, ESTA will produce a response (Authorization Approved; Travel Not Authorized or Authorization Pending) within seconds.

Once travel authorization is granted by ESTA, the authorization will be valid for multiple entries into the United States and generally be valid of up to 2 years or until the traveler's passport expires (whichever comes first). Note that ESTA authorization is not a guarantee of admission into the United States; the ESTA approval only authorizes a traveler to board a carrier for travel to the United States under the VWP.

Please also note that persons who have previously violated U.S. immigration law, have been convicted of a crime, have a communicable disease, or have been denied a visa to enter the United States in the past, are generally not eligible for the VWP. In most cases, such persons will be required to apply for a B-1 visitor visa at a U.S. Consulate or Embassy prior to traveling to the United States.



1.6) Are there special rules for Canadian Citizen?

Canadians visitors are not required to apply for a visa to enter the US. They will need to explain to the CBP officer that they seek to enter the U.S. as temporary visitors.

NOTE on Arrival-Departure (I-94) Records

Upon arrival in the United States, it is essential that visitors obtain their I-94 records online at <https://i94.cbp.dhs.gov/i94>. This record will indicate the length of stay permitted in the U.S.

