



McCandlish Holton
A PROFESSIONAL CORPORATION

B-1 Business Visitor Visa

The B-1 visa is designed for temporary business activities which promote international trade, commerce or investment. Examples: the B-1 visa holder can train, consult with business associates, take orders, participate in meetings, negotiate contracts, or look for sites for investments.

Duration: B-1 visas are generally issued for a year or more (sometimes up to ten years). Entries are generally limited to six months.

Extended Stay/Change Status: A B-1 visitor can apply to extend his/her stay beyond six months without limit. However, the visitor must continue to demonstrate nonimmigrant intent.

A B-1 visa holder may change to another status. However, if an application for change is made within 30 days of entry, CIS presumes that the B entry was fraudulent, and was made with the intent to stay.

Limitations: Business visitors on a B-1 visa cannot be paid a salary by a U.S. company and cannot engage in local skilled or unskilled labor (productive employment). (There is a limited exception to this rule for honoraria at academic institutions, discussed below).

Permissible B-1 Visa Activities

The regulations explicitly bar B-1 visa holders from performing skilled or unskilled labor. However, the CIS and State Department have approved use of the B-1 visa for some ***limited types of work*** where the activities are temporary in nature but are not covered by any other visa category. Engaging in unlawful work in the U.S. can result in serious consequences for both the employer and the individual employee (including fines, deportation of the employee and inability of the employee to re-enter the U.S.).

The following are activities which are permitted using a B visa:

- § Attend a meeting of the board of directors or perform other functions resulting from membership on the board of directors of the U.S. corporation.
- § Undertake training for a limited duration. To do so, the employee must continue to receive a salary from the foreign employer and receive no salary or other remuneration from a United States source other than an expense allowance or other reimbursement for expenses (including room and board). The consular officer must be satisfied that the intended stay in the U.S. is temporary and is indeed training and not productive employment. Foreign nationals, often students, who seek to gain practical experience should consider more appropriate nonimmigrant classifications, such as a F, H, or J visa.
- § Observe the conduct of business or other professional or vocational activity.
- § Participate in scientific, educational, professional or business conventions, conferences, or seminars.
- § Install or maintain equipment produced abroad, or train workers on the equipment, if installation, maintenance and training was part of the contract of sale with the B-1 visitor's foreign employer.

Honoraria for University Academic Activity

Generally, a B-1 visa holder cannot receive compensation from a U.S. source. However, a B-1 visitor for "usual academic activity" can be paid honoraria and associated expenses for a period of no more than nine days at any single institution of higher learning or affiliated non-profit research entity, and may not accept honoraria from more than five institutions within a six-month period.

STRATEGY TIP: *You should consult with your immigration attorney to verify the adequacy of your documentation showing the purpose of B-1 transfers before sending your employees to the U.S. Consulate to apply for the visa. If the employee already has a B-1/B-2 visa in his passport, he still needs a letter to facilitate his entry into the United States.*