

Are you a Business Visitor in the U.S.?

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The B-1 visa is for foreign nationals coming to the United States for a temporary visit to conduct certain limited business activities on behalf of a foreign enterprise.¹ Specifically, to qualify for a B-1 visa, a foreign national must be employed by a foreign-based entity or enterprise, maintain a foreign residence, be paid by a non-U.S. source, (a U.S. source may pay for or reimburse incidental trip expenses), and be coming to the U.S. for a limited duration to perform “limited business activities.”

“Limited business activities” is defined as business activities that are a “necessary incident” to the foreign national’s business abroad. Work that would be considered labor or “work for hire” within the U.S. is not permissible under the B-1 visa category. In those instances, the foreign national would need to obtain a different U.S. visa that authorizes employment.

Examples of commercial and business activities that are clearly permissible under the B-1 visa category include:

- Taking orders/sales for goods manufactured in a foreign country.
- Purchasing goods or materials or placing orders in the U.S. for the foreign entity.
- Soliciting services from U.S. entities on behalf of the foreign entity or enterprise.
- Negotiating and signing contracts with U.S. entities on behalf of the foreign entity or enterprise.
- Installing, servicing or providing training for machinery or equipment manufactured and delivered from a foreign company pursuant to the terms of the contract of sale (for up to one year after the sale).²
- Attending meetings, including board meetings, annual staff meetings, and the like.

- Meeting with clients or business associates.
- Attending or participating in conferences, conventions, trade shows or exhibitions, including setting up and operating booths.
- Exploring investment options and investing in the U.S.
- Setting up a U.S. company, including opening company bank accounts, purchasing or leasing real estate for the business, and interviewing and hiring people within the U.S.³

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¹ All references herein to B-1 visa status apply to foreign nationals who enter the U.S. under the Visa Waiver Program. As part of the Visa Waiver Program, Canadian citizens are exempt from needing to obtain the actual B-1 visa, and can instead enter the U.S. without a visa for the same limited business purposes.

² Under NAFTA, Canadian citizens are not limited by the one-year after sale restriction, and can provide such post-sale services for the life of the product.

³ The above categories by no means address every permissible or impermissible business activity under a B-1 visa. There are also certain permissible activities under the B-1 visa category relating to religious workers, athletes, performers, airline/ship crew, medical students and others.



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