

# **TECHNICAL ADVISORY B-1 Visitor for Business Nonimmigrant Visa Classification WB Visitor for Business on the Visa Waiver Program\***

---

## **AUTHORITY**

Section 101(a)(15)(B)(i) of the Immigration and Nationality Act (INA).

## **DEFINITION OF B-1 and WB CLASSIFICATIONS**

The B-1 Visitor for Business Visa is issued at U.S. consulates abroad to allow persons to come to the U.S. for a short period of time to engage in legitimate business activities of a commercial or professional nature. Authorized "business" activities refer to participation in scientific, educational, and professional or business conventions or conferences, or undertaking independent research. The **WB** Visitor for Business is used by citizens of countries in the Visa Waiver Program that allow B-1 Visitors for Business to enter the U.S. without a B-1 visa stamp. Such visitors are granted WB status at the U.S. post of entry.

## **GENERAL INFORMATION ABOUT B-1/WB STATUS**

- The individual must be entering the U.S. temporarily, maintaining a foreign residence in his or her home country that s/he has no intention of abandoning.
- The individual must be able to show ties to his or her home country, providing evidence such as property, family, and a permanent job.
- The B-1/WB applicant must be coming to the U.S. to provide services or engage in business activities that are not primarily for the benefit of a U.S. employer. Usually, B-1 visitors are admitted to the U.S. to conduct business for the principal benefit of their foreign employer.
- B-1/WB visitors may not be paid a salary or other remuneration from a U.S. source. However, reimbursement for actual reasonable per diem and travel expenses and honoraria, if certain conditions are met, is permitted and discussed below, in detail.
- B-1 visitors must depart the U.S. on or before the expiration date on their I-94 Card. B-1 visitors may be able to apply for an extension of stay in the U.S. WB visitors are limited to 90 days maximum in the U.S. with no possibility to extend.

## **WHO CAN COME TO TSRI as a B-1 or WB VISITOR for BUSINESS?**

- 1 An individual planning to conduct laboratory research that could result in services or any benefit to TSRI must have a foreign employer and be involved in collaborative research primarily for that employer.
- 2 An individual that does not meet the criteria listed in 1 but is coming to TSRI to conduct independent research (research that clearly will not result in services or any benefit to TSRI), such as a Visiting Investigator.
- 3 An individual that does not meet either of the criteria stated above in 1 and 2 but is coming to TSRI for observation only (such a scientist or a student coming to observe a technique in the lab).

## **WHEN IS B-1 STATUS INAPPROPRIATE?**

- 1 It is inappropriate to invite a foreign scientist to TSRI on the B-1 visa with the intention of changing visa status (e.g., to J-1). This is often interpreted as a misrepresentation of intent and can be cause for denial of entry into the U.S. and a bar from future admissions to the U.S. or, for those who succeed in being admitted in B-1 status, a denial later by USCIS of a request for a change of status.
- 2 It is inappropriate for an individual whose J-1 status at the TSRI has expired to leave the U.S. and immediately return to TSRI in B-1 status to finish a project if that individual does not have an employer in the home country who will be the principal beneficiary of the research.
- 3 A student can come to TSRI in B-1 status for informal observations or collaboration. However, it is inappropriate to invite a student who does not have a foreign employer or grant, to conduct research or to work in a lab to gain experience that will result in a service or benefit to TSRI.

## **FUNDING for INDIVIDUALS in B-1 STATUS**

Foreign visitors for business must demonstrate to U.S. consular and USCIS officials that appropriate funding exists to support the purpose of their visit to the U.S., to avoid unlawful employment, and to ensure their departure from the U.S.

B-1 visitors may not receive a salary or other wage-type remuneration from a U.S. source. Reimbursement for actual and reasonable expenses incidental to the individual's temporary stay (i.e., travel, hotel, and meals) is permitted. If the scientist will be reimbursed for expenses during his or her stay at TSRI, discretion should be used to determine an appropriate limit. It is important to remember that reimbursement for expenses cannot be used as a mechanism to pay someone a stipend or salary.

## **PROCEDURE for OBTAINING B-1/WB STATUS to COLLABORATE at TSRI**

When applying for the B-1 visa or WB status, the scientist should present to the U.S. Consulate and/or Port of Entry Officer(s) an original [invitation letter](#) from the TSRI host, on TSRI letterhead.

If applicable, the scientist should also take a letter from his or her employer stating that they support the collaborative research at TSRI, and that his or her salary will continue to be paid by the employer or other home country sources.

When being admitted into the U.S., the foreign scientist with a B-1 visa stamp should request that the Immigration Officer indicate B-1 on the Form I-94 (Arrival-Departure Record) and include the period of admission specified in the TSRI sponsor's letter of invitation. Scientists from Visa Waiver program countries should request WB status upon entry to the U.S. Note: a designation on the I-94 card of B-2 or WT will prevent the scientist from participating in the collaborative activities at TSRI. A B-2 visa or WT status is NEVER appropriate for ANY foreign scientist carrying out research activities in TSRI for any period of time under any circumstances. An individual coming to TSRI for an interview, who was admitted to the U.S. in B-2 or WT status, CANNOT be reimbursed for travel or per diem expenses.

**NOTE: Canadian citizens do not need to apply for a visa to enter the U.S. However, they must show proof that they were admitted in B-1 status. When entering the U.S., Canadians must either obtain an I-94 card marked B-1 or ask the Immigration Inspector to annotate their passports to indicate that they were admitted in B-1 status.**

### **\*WB VISITOR for BUSINESS on the VISA WAIVER PROGRAM**

An individual who is a national of a participating country of the Visa Waiver Program (regardless of place of residence or point of embarkation) may seek admission under this program provided the individual:

1. Has a valid passport issued by a participating country.
2. Has an onward or return trip ticket that will transport the individual out of the U.S.
3. Departs the U.S. on or before the expiration date on their Forms I-94W.

Beginning September 8, 2010, a fee of \$4 will recover the costs incurred by CBP of providing and administering the ESTA system and is in addition to the mandatory \$10 travel promotion fee established by the Travel Promotion Act of 2009, enacted as Section 9 of Public Law 111-145, the United States Capitol Police Administrative Technical Corrections Act of 2009. The total fee for a new or renewed ESTA will be \$14.

All payments for electronic travel authorization applications must be made by credit card or debit card when applying for or renewing an ESTA. The ESTA system currently accepts only the following credit/debit cards: MasterCard, VISA, American Express, and Discover. Your application will not be submitted for processing until all payment information is received (ESTA - the Official U.S. Government Web Site ).

### **RESTRICTIONS of the WB**

1. The maximum stay in the U.S. in WB status is 90 days
2. There is no possibility to extend beyond 90 days
3. There is no possibility from WB to another non-immigrant status.

## COUNTRIES PARTICIPATING in the VISA WAIVER PROGRAM

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