

# What Can I Do on a B-1 Visa?

By Sameera Sani

**Overview:** The B-1 nonimmigrant classification (including admissions under the Visa Waiver Program for qualifying citizens) is appropriate for foreign nationals who are entering the US on a **temporary** basis (up to six months for B-1 visas, three months for Visa Waiver entrants) for the purpose of **engaging in select business activities** on behalf of their employer abroad (not in the US). During their temporary stay in the US, they **cannot receive remuneration from a US source** except for reimbursement for expenses while in the US.

## Key Requirements

1. **The foreign national must have a clear intent to return to his or her foreign residence upon completion of the B-1 activity.** This means that the foreign national must have **evidence** of ties to his or her home country in order to overcome the presumption of immigrant intent and to demonstrate that he or she will depart the US upon completion of the B-1 activity.
2. **The foreign national's salary must come from abroad.** This means that the foreign national must remain on **overseas payroll** for the duration of the stay in the US. The employee may not receive remuneration from a US source other than an expense allowance or expense reimbursement which is ordinary and necessary to the travel. The foreign national should be prepared to present **evidence** of sufficient financial resources to cover the duration of the visit if requested.
3. **The principal place of business and accrual of profits, if any, from the foreign national's B-1 activity, must predominantly go to the foreign entity.**
4. **The foreign national's activity cannot include local employment.** Local employment is employment activity that is domestic in nature in a position that is generally filled within the US labor market. This means that the foreign national must not engage labor for hire that could be performed by a US worker.

## PERMISSIBLE B-1 ACTIVITIES

The US Department of State predominantly mandates permissible B-1 activities. The [chart](#) below lists common permissible B-1 activities and the related requirements for each.

PURPOSE OF TRAVEL	RELATED B-1 REQUIREMENTS
Training	Participating in a training program that is not designed primarily to provide US employment. Will receive no payment or income from a US-based

	company or entity, other than an expense allowance or expense reimbursement related to the stay.
<b>Sales/Selling; Negotiating Contracts</b>	Exhibition/taking orders/negotiating and signing contracts for products, which must be produced outside the United States.
<b>Attending Seminars/Conferences</b>  <b>Attending Business Meetings</b>  <b>Attending Exposition or Trade Show Employees of Foreign Exhibitors at International Fairs*</b>	<p>No salary or income from a US based company or entity, other than expenses incidental to the visit.</p> <p>*Will plan, assemble, dismantle, maintain, or be employed in connection with exhibits at international fairs or expositions.</p>
<b>Lecturer or Speaker</b>	<p>No salary or income from a US-based company or entity, other than expenses incidental to the visit.</p> <p>If honorarium will be received for the Lecturer or Speaker, activities can last no longer than nine days at any single institution; payment must be offered by an institution or organization; visa applicant will not have accepted such payment or expenses from more than five institutions or organizations over the last six months.</p>
<b>Independent Researcher</b>	Independent research, no salary/income from a US-based source, or benefit to US institution.
<b>Service Engineer (Commercial, Industrial)</b>	Engineer(s) install, service or repair commercial or industrial equipment or machinery sold by a non-US company to a US buyer, when specifically required by the purchase contract. Installation cannot include construction work, except for supervision or training of US workers to perform construction.

<p><b>Athlete, Professional</b></p>	<p>Receives no salary or income from a US-based company or entity, other than prize money for participation in a tournament or sporting event. Athletes or team members who seek to enter the US as members of a foreign based team in order to compete with another sports team shall be admitted provided the following three conditions are met:</p> <p>(1) The foreign athlete and the foreign sports team have their principal place of business or activity in a foreign country;</p> <p>(2) The income of the foreign based team and the salary of its players are principally accrued in a foreign country; and</p> <p>(3) The foreign-based sports team is a member of an international sports league or the sporting activities involved have an international dimension.</p>
<p><b>Business Venture, Investor Seeking Investment</b></p>	<p>Survey potential sites for a business and/or to lease premises in the United States. Cannot remain in the US to manage business.</p>

For an exhaustive list of other permissible B-1 activities, please see the Foreign Affairs Manual (FAM) at [9 FAM 402.2](#).

**GUIDANCE: Potential Issues to Proactively Prepare For**

Generally speaking, most B-1 admissions are decided within a few minutes while appearing before the US Customs and Border Protection (CBP) Officer. This is done at the airport either before the foreign national leaves his or her home country (known as Pre-flight Inspection), or upon landing at a US airport. During this short interview, the focus is on the consistency of the oral statements made by the foreign national rather than the documentation provided. If the foreign national resides in a country or city that is facing economic strife, war, high rates of employment, then it is likely they will be scrutinized further. Nonetheless, **supporting documentation** may be provided, if requested. This includes letters from the US entity and the foreign entity confirming the details of the temporary visit to the US as well as any evidence of ties to the home country (property deed; residential lease agreement; paystubs). While there is no magic terminology required, a foreign national who has an understanding of the basic requirements listed above and who can orally present their case well, has a better chance of success.

**Note:** If the foreign national has anything in their past, such as an **arrest, conviction** (DUI is most common), and/or a **prior overstay in the US**, please consult with an attorney at Darren Silver & Associates, LLP.

### **Common Interview Questions**

**“What is the purpose of your trip?”** Again, there is no magic terminology to state here other than, for example, one of the abovementioned B-1 activities.

**“How long do you plan on staying in the United States?”** If the foreign national indicates that he or she will need to remain in the US for longer than a few weeks, this can raise a red flag. Therefore, even though the B-1 entry may be granted for up to six months, the foreign national needs to justify that the above-referenced activity(s) will take the amount of time requested.

**Important:** Foreign nationals entering the United States should be aware that CBP Officers can and often do request access to an individual’s cell phone or laptop. Any information found on these devices that conflicts with the stated purpose for entry can result in denial of admission.

Have questions? Contact us today.