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BUSINESS

VISITORS

B-1/B-2 VISA

CHECKLIST FOR BUSINESS VISITOR (B-1/B-2) VISA

1. Is the alien a citizen of a country listed in the Visa Waiver Pilot Program? (Japan, New Zealand, Andorra, Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, San Marino, Spain, Sweden, Switzerland and the United Kingdom)

2. Is the alien a citizen of Canada or Mexico? (If so, review NAFTA)

3. Are the five broad requirements met?
 - ___ a. Limited duration of time to stay in the United States?
 - ___ b. Intent to depart the United States?
 - ___ c. Maintenance of a foreign residence?
 - ___ d. Adequate financial arrangements?
 - ___ e. Legitimate business activities?
 - (1) Does the alien's activity preclude productive employment in the United States?
 - (2) Is the business activity associated with international trade or commerce?
 - (3) Does the benefit of the activity accrue to the businessperson or corporate entity abroad?
 - (4) Is the alien's salary received from abroad? (9 Foreign Affairs Manual § 41.11)

4. Is the activity enumerated in the State Department listing?
- a. Is the alien coming to the U.S. to solicit sales, negotiate contracts, or take orders from established customers for work that will be performed outside the United States?
 - b. Is the alien a purchasing agent for a foreign employer coming to the U.S. to procure goods, components, or raw materials for use outside the United States?
 - c. Is the alien an employee of a foreign company coming to the U.S. with regard to service or sales contracts already undertaken by their company?
 - d. Is the alien coming to supervise or train others in construction work?
 - e. Is the alien an employee of a foreign-based company or office of a U.S. company coming to the U.S. to engage in consultations with U.S. business associates?
 - f. Is the alien coming to the U.S. in conjunction with litigation?
 - g. Is the alien coming to attend a professional or business conference or convention or executive seminar?
 - h. Is the alien an employee or independent businessperson coming to the U.S. to undertake independent research such as market or product research, not directly connected with sales or service contracts or the solicitation of business?
 - i. Is the alien a professional coming to arrange employment in this country? (Interview for a job?)
 - j. Is the alien a foreign investor coming to the U.S. to take steps to set up their investment?
 - k. Is the alien coming to open or be employed in a U.S. office, subsidiary or affiliate of the foreign employer in order to qualify for an L-1 visa?
5. Activities that generally fall outside the scope of the B-1 but may be allowed:
- a. Is the alien a professional that would qualify for an H-1B visa but is employed abroad?
 - b. Is the alien a member of a religious or charitable organization?
 - c. Is the alien coming to the U.S. to undertake an established training program

that would qualify them for an H-3 visa?

- ___ d. Is the alien an employee of a foreign airline?
- ___ e. Is the alien a business executive or a member of a board of directors of a U.S. company?
- ___ f. Is the alien a personal or domestic servant coming to the United States with a U.S. citizen or nonimmigrant employer?
- ___ g. Is the alien a professional athlete attending a tournament?
- ___ h. Is the alien to be employed on the outercontinental shelf?

6. Documentation

- a. Form OF-156
- b. Supporting letter and documentation
- c. Passport
- d. Application fee, if any
- e. Roundtrip airline ticket

7. Applicable Sections of Law:

- a. 8 USC § 1101(a)(15)(B), INA § 101(a)(15)(B)
- b. 8 CFR § 214.2(b)
- c. 22 CFR § 41.31
- d. 9 Foreign Affairs Manual § 41.31
- e. 9 Foreign Affairs Manual § 41.11
- f. INS Operational Instructions 214.2(b)
- g. *Matter of Hira* 11 I&N Dec. 824