

OVERVIEW OF THE B-1



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

OVERVIEW OF THE B-1

The B-1 visa is a general business visa available to short-term visitors who will not be on the payroll of a U.S. company.

APPLICANTS MAY BE ELIGIBLE FOR A B-1 VISA IF THEY WILL BE PARTICIPATING IN BUSINESS ACTIVITIES OF A COMMERCIAL OR PROFESSIONAL NATURE IN THE U.S., INCLUDING, BUT NOT LIMITED TO:

- ⇒ Consulting with business associates.
- ⇒ Traveling for a scientific, educational, professional or business convention, or a conference on specific dates.
- ⇒ Settling an estate.
- ⇒ Negotiating a contract.
- ⇒ Participating in short-term training.

APPLICANTS MUST DEMONSTRATE THE FOLLOWING IN ORDER TO BE ELIGIBLE TO OBTAIN A B-1 VISA:

- ⇒ The purpose of the trip is to enter the U.S. for business of a legitimate nature.
- ⇒ The Applicant plans to remain for a specific limited period of time.
- ⇒ The Applicant has the funds to cover the expenses of the trip and stay in the U.S.
- ⇒ The Applicant has a residence outside the U.S. in which they have no intention of abandoning, as well as other binding ties which will ensure their return abroad at the end of the visit.
- ⇒ The Applicant is otherwise admissible to the U.S.

The B-1 visa allows for entry into the U.S. for up to six months. Once inside the U.S. it is possible to extend the validity of the B-1 status for an additional 6 months, allowing for 1 year of total B-1 status in a single visit.

During the B-1 stay, the visa holder cannot engage in gainful employment performing substantive hands-on work. B-1 visa holders cannot perform skilled or unskilled labor. The activities undertaken in the U.S. should be incidental to work that will be primarily performed outside the U.S. While the B-1 visa holder can attend meetings, they cannot begin enacting the processes established in such meetings until they have departed the U.S. The B-1 visa holder cannot receive compensation from the U.S. entity for the duration of the B-1 stay, but can receive reimbursements for travel and housing. B-1 visa holders are permitted to remain on the foreign entity's payroll.

B-1 PROCESS

1 Case is initiated in Edge, our processing platform



The employer will provide the required information including what the Applicant will be doing in the U.S., where the activities will take place, who will be covering the expenses of the trip, when will the Applicant arrive and depart the U.S., and salary abroad. Employer should upload documents relating to the Temporary Business activity, such as round-trip airline ticket, where Applicant will be staying while in the U.S., and the itinerary of the planned trip.

2 Applicant will be invited to complete their intake on the Edge platform



We will email the Applicant with instructions to complete this step. Applicant will upload the following documents to Edge showing proof of strong ties to home country. (Please note this list is not exhaustive, nor are all documents listed required. The more documents provided to demonstrate ties to the home country, the higher the likelihood of approval at the consulate.)

- Employment agreement with Employer abroad
- Signed letter from Employer abroad confirming that Applicant is currently employed outside the U.S.
- 3 most recent utility bills listing Applicant's name and address
- 3 most recent tax returns
- 3 most recent bank statements
- 3 most recent paystubs
- Business card
- List of family members remaining in Applicant's country of residence as well as evidence of the relationship to them
- Proof of membership in any clubs or organizations in Applicant's country of residence
- Copy of deed/lease of residence in home country
- Driver's license
- Any other investment documents or other documents evidencing ties to the home country and intent to return

3 Meltzer Hellrung reviews documentation, questionnaire, and drafts B-1 application

We will send these letters to the employer for review. The employer may choose to share these draft documents with the Applicant.



4 Applicant will draft the Nonimmigrant Visa Electronic Application (DS-160) form online

Applicant completes the form here: ceac.state.gov/genniv and forwards the login information to Meltzer Hellrung to review prior to submission. After Meltzer Hellrung reviews the DS-160 Applicant will be asked to submit the DS-160.



5 Applicant will submit DS-160, pay MRV fee, and schedule consular interview appointment and notify Meltzer Hellrung of the appointment date



6 Meltzer Hellrung emails application for Applicant to take to their visa appointment



7 Meltzer Hellrung will schedule preparation phone call with Applicant prior to appointment

If the petition is approved, USCIS will send the official I-797 approval notice to Meltzer Hellrung's office. We will forward that approval notice to the employer. If the candidate is already in the United States, that person's status will typically automatically change to H-1B.

If the petition is denied, we will discuss the options with the employer, including filing an appeal, motion, or refiling the petition. Motions and appeals must be submitted within 33 days of the denial.



DURING THE APPOINTMENT



We recommend wearing business casual attire to your appointment. The interview itself will last about 6–8 minutes. At the interview, it is important to appear calm and confident. The consular officer will review the application Meltzer Hellrung prepared and ask questions regarding the purpose of the trip and the Applicant’s background.

TYPICAL QUESTIONS INCLUDE:

- ⇒ Why are you visiting the U.S.?
- ⇒ Who will pay for your trip?
- ⇒ When will you return?
- ⇒ Where will you stay?
- ⇒ What do you do in your home country?
- ⇒ Do you plan to immigrate to the U.S.?
- ⇒ Do you have family in the U.S.?

The officer is trying to determine that the intent of the trip is genuine and temporary, as well as ensure that the B-1 visa is not being used to circumvent employment authorization.

AFTER THE INTERVIEW

Approval

After the interview has concluded, if approved, the consular officer will take the Applicant’s passport to place the appropriate visa stamp in it. The officer will provide instructions on how to pick up the passport, have it shipped to the requested address, and/or check the status of the visa application online.



221(g)

A 221(g) is a request for additional evidence from the consular officer. These requests can also be issued for administrative processing purposes, which means additional security checks are required prior to the issuance of the visa. If a 221(g) is issued, please contact the designated Meltzer Hellrung attorney immediately and forward the documentation provided to the Applicant by the consulate. The consulate may require additional documentation to process the visa, which the Meltzer Hellrung attorney will be able to assist the employer in providing.



Denial

If the petition is denied, please request documentation from the officer regarding the reason for denial. Thereafter, contact the Meltzer Hellrung attorney immediately and forward any documentation provided to the Applicant from the consulate to the Meltzer Hellrung attorney. Once provided, we will assess the denial and determine the proper strategy for the situation.



TIMELINE



Typically, it will take 1–2 weeks for the Employer and Applicant to gather all of the required documentation, and then another 1–2 weeks for Meltzer Hellrung to review and draft the application. Ideally cases will be initiated 4+ weeks prior to the anticipated travel date to the U.S. to allow for enough time for the drafting of the application prior to the visa appointment.

Please note that the wait times for visa appointments can vary greatly and change without notice. For the most up to date visa appointment wait times, please check the Department of State website here: tinyurl.com/consular-wait-times.