

B Visas (Visitors)

There are two types of B visas: B-1 (visitors for business) and B-2 (visitors for pleasure). While neither type allows for employment in the United States, under certain limited circumstances, a visitor for business (B-1) may be able to provide services while in the United States.

A visitor for business (B-1) is generally a person coming to the United States who is employed abroad or self-employed and who will be performing activities on behalf of his employer or himself. This visa does not allow the person to actually perform local employment or labor in the United States and, thereby, compete with U.S. workers. For that reason, the alien may not be paid compensation by any U.S. source but may, in some cases, have expenses reimbursed.

The B-1 visa has its greatest usefulness by providing a way for persons to come to the U.S. who will attend business meetings, meet with clients or customers, attend seminars or conferences, receive training, consult with the home office, etc.

The primary advantage of a B-1 visa is its simplicity and ease in obtaining. Generally, a letter from the employer in the foreign country to the local American Embassy verifying the business purpose of a trip to the United States is sufficient in order to have the B-1 visa issued

The primary disadvantage is the fact that a B-1 visa is a relatively short-term visa. Also, the alien may not be paid a salary by a United States employer nor perform any work which is in competition with U.S. workers.

A visitor for pleasure (B-2) is generally a person who is coming to the United States on holiday or vacation. Such a person is not supposed to be in the United States to perform any work or business, even on behalf of a foreign company. To do so would be in violation of this nonimmigrant status. However, due to the ease in obtaining a B-2 visa, some employers look at this visa as a quick way to get the services of a new employee: get them here on a B-2 and then change them to the proper status. For a variety of reasons, this should not be considered the best use of the visa.

Some multinational companies encourage their overseas employees to obtain a B-1 or B-2 visas in order to enter the United States and perform the tasks which are needed. Keeping the employee on an overseas payroll is a tactic used to make it appear that the alien is coming to the United States legally, but the employer actually has the alien performing work which directly benefits the U.S. company. This is illegal and, while most companies do not intentionally try to break the law, many companies are unaware of the potential problem this can cause to the alien as well as to their own credibility.

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