

B Visa Annotated Bibliography
By Dan Berger, Joy Smith, Ivan Grail¹

Statutory Authority

INA §101(a)(15)(B)
8 U.S.C. §1101(a)(15)(B)

Regulatory Authority/Reference

22 C.F.R. § 41.31
9 FAM 41.31

Agency Guidelines

INS Operations Instructions 214.2(b)
Inspector's Field Manual, Sec. 15.4(b)

Decisions

United Ass'n of Journeymen AFL-CIO v. Reno, 73 F.3d 1134 (D.C. Cir. 1996)
[INA does not extend to outer continent shelf; foreign workers not required to obtain visas, B-1 or otherwise.]

Matter of Duckett, 19 I&N Dec. 493 (BIA 1987)
[Railroad clerk spending some time in U.S. to check on railroad cars that transport international goods eligible for B-1; activities were "necessary incident to international trade or commerce."]

International Union of Bricklayers v. Meese, 616 F.Supp. 1387 (N.D. Cal. 1985)
[Modified Operating Instructions to not include building or construction work, other than supervising or training work not including "hands on" work.]

Matter of Camilleri, 17 I&N Dec.441(BIA 1980)
[Canadian truck-driver of U.S. firm transporting Canadian goods to U.S. and picking up goods to be delivered to Canada eligible for B-1; transporting commodities/machinery "across international boundary" is a necessary incident to international trade; see also *Matter of Cote*, 17 I&N Dec. 336 (BIA 1980).]

In Re Fang Lan Dankowski, 478 F. Supp. 1203 (D. Guam 1979)
[Citing *Jeu Jo Wan v. Nagle*, 9 F.2d 309 (9th Cir. 1925), interprets trade as "to engage in commerce or business transactions of bargain and sale; barter; exchange; traffic; hence, to deal in something," and commerce as "the exchange of goods, productions, or property of any kind; especially, exchange on a large scale, as between states or nations."]

Matter of Healy and Goodchild, 17 I&N Dec. 22 (BIA 1979)
[B-2 denied for applicant seeking to engage in unapproved course of study; B-2 classification is not meant to be "a catch-all classification available to all who wish to come to the United States temporarily for whatever purpose."]

Matter of Opferkuch, 17 I&N Dec. 158 (BIA 1979)
[Interpretation of "business" includes meetings and discussions to gather information; BIA notes the applicant is not an officer or principal.]

Matter of Lawrence, 15 I&N Dec. 418 (BIA 1975)
[Canadian who manages U.S. real estate business is ineligible for B-1; business activity almost exclusively involved full-time management of a U.S. enterprise and did not call for return to Canada]

¹ Dan Berger is a partner at Curran & Berger, LLP in Northampton, Massachusetts. Joy Smith is a law clerk at Curran & Berger, and Ivan Grail is an Immigration Specialist at Curran and Berger.

Matter of Neill, 15 I&N Dec. 331 (BIA 1975)

[Mechanical engineer doing mostly consulting found to be “extending his professional engineering practice to the United States;” ineligible for B-1.]

Matter of Hira, 11 I&N Dec. 824 (BIA 1965)

[Hong Kong tailor entering U.S. to measure customers for tailoring firm abroad eligible for B-1; guiding example of key requirements for activities qualifying as “commercial transactions” that “do not involve gainful employment in the United States.”]

Matter of Minei, 11 I&N Dec. 430 (Reg. Comm'r 1965)

[Foreign painter selling work in U.S., B-1 denied; involves no international trade or commerce, profits accrue in U.S., and constitutes performance of local services/labor.]

Matter of Cortez-Vasquez, 10 I&N Dec. 544 (BIA 1964)

[Mexican national purchasing firewood chopped on American ranches and returning the same day to Mexico to sell the wood is admissible as B-1; found to comprise “legitimate activities incidental to their principal business abroad which is intercourse of a commercial character.”]

Matter of B- & K-, 6 I&N Dec. 827 (BIA 1955)

[Canadian farmers' one-day trips to U.S. to sell perishable crops at retail, to “dispose of surplus not sold at wholesale” to American merchants from Canada, B-1 valid; found to be “incidental to the principal business of bringing in produce as international commerce;” also entries were of a plainly temporary nature.]

Matter of G--, 6 I&N Dec. 255 (BIA 1954)

[B-1 denied for alien transporting goods from U.S. to Canada because work was “of a continuing nature at a fixed and permanent place” and all income derived from U.S.-based work (though salary paid by foreign firm).]

Matter of G-P-, 4 I&N Dec. 217 (BIA 1950)

[Alien who enters U.S. daily to purchase scrap paper and returns to Mexico the same day to sell it, B-1 valid; business was “essentially of an international character;” profits accrued in foreign country, and entries of a “plainly temporary nature;” also includes overview of other activities that qualify as “business,” such as customs brokerage and exhibiting movies.]

Karnuth v. U.S. ex rel. Albro, 279 U.S. 231 (1929)

[Interpretation of “business” does not include hands-on work, local employment, or labor for hire.]

References

B-1 IN LIEU/ADVANCE OF. . .

Agency Communications

Cable, DOS, 12-State-063795, “B-1 in Lieu of H-1B and H-3” (June 21, 2012), *published on AILA InfoNet at Doc. No. 12062554 (posted June 25, 2012)*

[Summary of DOS guidance set out in the FAM for issuing B-1 visas in lieu of H-1B/H-3 guidance and related requirements in light of ongoing interagency review of existing guidance.]

“AILA-Chicago Chapter & CBP Field Office Field Office Liaison Meeting Questions” (May 18, 2012), *published on AILA InfoNet at Doc. No. 12061247 (posted June 12, 2012)*

[Aliens with unannotated B-1 in lieu of H-1B MRV may request I-94 card annotation at primary inspection (process may be completed at secondary inspection; unannotated I-94 cards may be corrected by CBP; aliens may be admitted in B-1 classification while H-1B pending for a valid business trip (ex. Meeting).]

“AILA Rome District Chapter DHS Liaison Committee Meeting with CBP Pre-Clearance – Dublin” (Nov. 10, 2011), *published on AILA InfoNet at Doc. No. 11121461 (posted Dec. 14, 2011)*

[DOS may no longer endorse B-1 visas as B-1 in lieu of H, but enter such information in a database that may be accessible to CBP in order to defer adjudication; applicants should state B-1 in lieu of H situation at inspection; B-2 domestic partners should request a period of admission of one year, otherwise it may not be granted.]

“AILA New England Monthly Meeting, Main Meeting Minutes” (June 23, 2011), *published on AILA InfoNet at Doc. No. 11083031 (posted Aug. 30, 2011)*
[DOS discusses eliminating B-1 in lieu of H-1B classification.]

“Complaint against Infosys Brings B-1 in Lieu of H-1B under Fire,” *published on AILA InfoNet at Doc. No. 11052567 (posted May 25, 2011)*
[Civil complaint against Infosys Technologies alleging illegal employment of B-1 holders on company projects to avoid limitations of H-1B visas.]

“AILA New England Monthly Meeting” (Oct. 21, 2010), *published on AILA InfoNet at Doc. No. 11021150 (posted Feb. 11, 2011)*
[CBP will treat B-1/B-2 visitors looking at schools as prospective students if they intend to COS, but as tourists if they plan to go home first; B visitors with expired I-94s who filed timely extensions and leave U.S. should carry I-797 receipt notice for CBP verification of timely filing and turn in their expired I-94; prospective E-2 entrants in B-1 status will be scrutinized for intent of visit.]

“American Immigration Lawyer Association (AILA) Atlanta Chapter questions for Atlanta Port of Entry” (Oct. 2, 2009), *published on AILA InfoNet at Doc. No. 09221226 (posted Dec. 22, 2009)*
[CBP Atlanta explains requirements and procedures for visitors applying for B-1 in lieu of H-1B admission at inspection with an unannotated, 10-yr multiple entry B-1 visa; also explains general standard for determining “too many” visits to U.S. in B-1 classification.]

Cable, DOS, 09-State-013747, "B-1 Visas for Missionaries" (Updated 2/17/09), *published on AILA InfoNet at Doc. No. 09021363 (posted Feb. 13, 2009)*
[B-1 in lieu of R-1 remains an option even if the religious worker cannot demonstrate two-year membership and intends to stay in the U.S. for a year or more.]

CBP Memorandum, J. Ahern, "B-1 in Lieu of J-1 Visa for U.S. Government Funded Travel" (Feb. 10, 2004), *published on AILA InfoNet at Doc. No. 05040471 (posted Apr. 4, 2005)*
[Applying criteria from DOS cable 04-State-13720 to the field.]

DOS website, “Prospective Students Entering on B Visas (06/04),” *available at http://travel.state.gov/visa/laws/telegrams/telegrams_1377.html*
[Such students' I-94s will be notated “prospective student;” not allowed to study until COS to appropriate student visa is approved.]

Cable, DOS, 04-State-13720 (Jan. 21, 2004), “B-1 in Lieu of J-1 for USG-Funded Travel” (Jan. 21, 2004), *published on AILA InfoNet at Doc. No. 04022564 (posted Feb. 25, 2004)*
[B-1 may be appropriate where the USG agency has no authorized exchange visitors program or the applicant's U.S. activities are unrelated to such an existing program.]

“CSC Liaison Minutes for 3/26/03,” *published on AILA InfoNet at Doc. No. 03040442 (posted Apr. 4, 2003)*
[Filing an extension of B-1 in lieu of H-1 or H-3 status may result in a finding that USCIS had not specifically authorized employment.]

Undated legacy INS Memorandum, J. Williams, “Business Visitor Field Guidance,” *published on AILA InfoNet at Doc. No. 03040190 (posted Apr. 1, 2003)*
[B-1 in lieu of H-1B or H-3 applicant may be disqualified from admission if coming to perform services that are inherently part of the U.S. labor market. Cites three questions to be asked at inspection regarding applicant's compensation and services to determine permissibility of business visitor activities.]

Chapters, Articles, Books

Susan J. Cohen et al., “H-3 and B-1 Trainee Visas – Determining the Approach,” *Immigration Practice Pointers* 505 (AILA 2010-11)

[Practice advisory for determining the appropriate training visa, comparing H-3 with B-1 in lieu of H-3/J-1.]

Rosanne T. Milano & Scott D. Pollock, “R-1 Not a Perfect Fit? A Look at Visa Alternatives for the Nonimmigrant Religious Worker,” *Immigration Options for Religions Workers* 85 (AILA 2010)

[Includes focus on legitimate religious activities permitted under the B-1 visa program.]

Heather L. Barbus et al., “H-1B Cap Strategies: What to Do When an H-1B is Harder to Score Than Tickets to the Super Bowl,” *Immigration & Nationality Law Handbook* 217 (AILA 2009-10)

[Discusses B-1 in lieu of H-1B in the context of short-term solutions during the cap.]

Bonnie Stern Wasser, “Investing for Fun and Profit in the Arts, Entertainment, and Sports Industries,” *Immigration Options for Artists & Entertainers* 69 (AILA 2007)

[Includes brief treatment of use of B-1 status while investigating/preparing to invest or trade.]

Cora D. Tekach et al., “Training American Style,” *Immigration & Nationality Law Handbook* 668 (AILA 2006-07)

[Compares/contrasts B-1, H-3, and J-1 visa options for training in the U.S.; discusses B-1 in lieu of H-3 and J-1.]

ACADEMIC HONORARIA

Agency Communications

Legacy INS Memorandum, M. Pearson, “Academic Honorarium for Visiting B Nonimmigrant Aliens” (Nov. 30, 1999), *published on* AILA InfoNet at Doc. No. 99121778 (*posted* Dec. 17, 1999)

[Outlines amendment to INA section 212 based on ACWIA; defines organizations that can pay honoraria.]

Legacy INS Memorandum, P. Virtue, “Classification of Visiting University Lecturers” (Aug. 20, 1993), *1 INS and DOJ Legal Opinions* §93-61

[Honorarium/other fee for services rendered by B-1 academic must be reimbursement for an incidental expense and not remuneration; foreign national must not gain monetary or material profit for participation; outlines factors of a “common sense test” for determining “profit,” as well as those which may constitute “reasonable” travel or living expense.]

Chapters, Articles, Books

Madeline Fain Ellis et al., “Bordering on Insanity: Entry Issues for Foreign Academics,” *Immigration Options for Academics and Researchers* 189 (AILA 2011)

[Focus on entry/re-entry and application issues specific to foreign academics; includes B-2 entries for prospective students and B-1 honoraria provisions.]

CANADIAN AND MEXICAN NATIONALS

Agency Communications

CBP website, “How Do I Enter the United States as a Commercial Truck Driver?” (Feb. 28, 2003), *available at* http://www.cbp.gov/xp/cgov/trade/cargo_security/carriers/land/how.xml

[Requirements, general principles, and FAQs.]

Legacy INS Memorandum, J. Williams, “Commuter Part-time Students Residing in Contiguous Territory” (May 22, 2002), *reprinted at* *7 Bender's Immigr. Bull.* 820 (July 1, 2002)

[“[i]solated, casual, short-term classes, such as a single English language or crafts class” may be B-2 eligible.]

Legacy INS Memorandum, M. Cronin, “Entry of Commercial Truck Drivers into the United States IFM Update IN 00-30,” (Sept. 12, 2001), *published on* AILA Infonet at Doc. No. 02020132 (*posted* Feb. 1, 2002)

[Clarification of conditions under which alien truck drivers seeking admission from Canada or Mexico may qualify for B-1 admission.]

Legacy INS Memorandum, M. Pearson, "Tour Bus Operators and Other Transportation Operators Applying for Admission as B-1 Visitors, for Business" (July 2, 1998), *published on AILA InfoNet at Doc. No. 06081766 (posted Aug. 17, 2006)*

[Transportation operators admissible in B-1 to transport goods/passengers in international commerce; ordinary cabotage not allowed, but an international bus tour from U.S. into Canada or Mexico and back to the U.S., and then return to the foreign country, considered a necessary incident of international commerce (purpose of the transport is international).]

Letter, Y. La Fleur, "File No. HQ 1815-C" (Dec. 21, 1995), *reproduced in 73 Interp. Rel. 91 (Jan. 16, 1996)*

[No provisions for "B-1 in lieu of TN."]

Legacy INS Memorandum, P. Virtue, "Tour Guides Admissible as B-1 Business Visitor" (Oct. 22, 1993), *reproduced in 1 INS and DOJ Legal Opinions § 93-83*

[Tour operator/driver in B-1 classification under NAFTA may stay in U.S. until end of touring season; employer of tour bus operator need not be incorporated in Canada or Mexico.]

Letter, J. Bednarz, "B-1s for Daily Commuters Between Mexico and the United States" (Sept. 7, 1993), *reproduced in Immigration Practice under NAFTA & Other Free Trade Agreements 156 (AILA 2006)*

[Aliens commuting between their jobs in Mexico and their temporary residences in the U.S. not eligible for B-1/B-2.]

Letter, J. Bednarz, "CO 214b-C, CO 1815-C" (May 17, 1994), *reproduced in 71 Interp. Rel. 1247 (Sept. 12, 1994)*

[Discusses parameters of after-sales service.]

Legacy INS Memorandum, P. Virtue, "Admissibility of Canadian Log Loaders" (Oct. 26, 1993), *1 INS and DOJ Legal Opinions §93-86*

[Engagement solely in loading as opposed to transporting goods is not permissible for B-1; goods loaded in U.S. must be transported to Canada/Mexico.]

Legacy INS Memorandum, G. Rees III, "Regulating Entry of Mexican Truck Drivers into U.S." (July 1, 1992), *1 INS and DOJ Legal Opinions §92-30*

[B-1 admission under NAFTA and business activity must be limited to a specific geologic area if foreign driver is so restricted by a regulating agency.]

Legacy INS Memorandum, G. Rees III, "Business Visitor (B-1) Issues Related to North American Free Trade Agreement (NAFTA) Negotiations" (May 29, 1992), *1 INS and DOJ Legal Opinions §92-28, reproduced in 70 Interp. Rel. 1653 (Dec. 13, 1993)*

[Transportation of goods and passengers with origin/destination in Canada or Mexico is appropriate for B-1, but ordinary cabotage (point-to-point within the U.S.) is not; foreign national may be eligible for B-1 even if ineligible under NAFTA]

Chapters, Articles, Books

Kevin Lederman & Daniel P. Joyce, "Entry of Canadian and Mexican Citizens as Nonimmigrant Business Visitors Under NAFTA," *Immigration Practice Under NAFTA & Other Free Trade Agreements 17 (3d ed. 2006)*

[Discusses intersection of NAFTA Annex 1603(A)(1), (3) and INA §101(a)(15)(B), relevant case law, and commonly encountered situations; book includes NAFTA B-1 checklist, samples of B-1 support letters, and other resources.]

Lynn Susser, "B-1 Business Visitors and TN Nonimmigrants," *Immigration and Nationality Law Handbook 239 (AILA 2004-05)*

[Overview of these classifications, their purpose, qualifications, admission procedures, and limitations.]

B-1 DOMESTIC EMPLOYEES

Agency Communications

“American Immigration Lawyers Association SCV CBP Liaison Meeting” (Dec. 13, 2011), *published on AILA InfoNet at Doc. No. 12010964 (posted Jan. 9, 2012)*

[CBP Advises against B-1/B-2 and VWP visa holders traveling to Mexico or Canada for a day in an attempt to be readmitted for another 6 month period; by policy CBP does not advise arriving B-1 domestic workers to file for employment authorization.]

“AILA Central Florida Chapter Liaison Meeting with Customers and Border Protection Tampa Field Office” (Dec. 17, 2009), *published on AILA InfoNet at Doc. No. 10010630 (posted Jan. 6, 2010)*

[CBP may exercise discretion in granting B-1/B-2 visitors (incl. domestic employees) admission periods shorter than the maximum; B-1 visitors usually admitted only for the length of intended business trip.]

Cable, DOS, 05-State-00141634 (Aug. 8, 2005), "Determining Prevailing Wage Requirement for Visas of Domestic Workers," *published on AILA InfoNet at Doc. No. 06011867 (posted Jan. 18, 2006)*

[Domestic workers must be paid by contract at the prevailing wage; advises on "involuntary servitude."]

VSC Liaison Minutes (Apr. 6, 2000), *published on AILA InfoNet at Doc. No. 00040671 (posted Apr. 6, 2000)*

[B-1 domestic employees after entry are not authorized for employment until their EADs are approved, but: “Unofficially HQ indicates they would not hold these domestics to the requirement of waiting for their EADs prior to working and being paid.”]

Chapters, Articles, Books

David Grunblatt, “Nonimmigrant Domestic Workers: It's Hard to Get Good Help,” *The Diplomatic Visas Handbook* 105 (AILA 2011)

[Analysis of the employment of personal and domestic servants in B-1 classification, including requirements, employment relationship, comparison with A-3/G-5/NATO-7 domestic workers, problem areas, tax and procedural considerations, checklists, and practice pointers.]

Andrew T. Chan & Susan Borowski Storch, “Foreign Domestic Employees in the United States: What Every Employer Needs to Know,” *Immigration & Nationality Law Handbook* 290 (AILA 2007-08)

[Focus on use of B-1 visa for personal or domestic employees, from cooks to household managers, of USC or nonimmigrant employers; includes section on procedural variances among consulates.]

Martin J. Lawler & Margaret D. Stock, “Selected Professional Occupations,” *Professionals: A Matter of Degree* 401 (AILA 2009)

[Discussion of chefs’ and cooks’ eligibility and requirements for B-1 visas as domestic employees.]

OTHER B-1 ACTIVITIES

Agency Communications

Cable, DOS, 05-State-178837, "INA 101(a)(15)(B): Revision of 9 FAM 41.31 N6.8: Horse Race-Related Employees" (Sept. 27, 2005), *published on AILA InfoNet at Doc. No. 06011869 (posted Jan. 18, 2006)*

[Alien coming to the U.S. on behalf of an employer as a jockey, sulky driver, trainer, or groomer is eligible for B-1; need not be of the same nationality as the employer.]

DOS on B-1s for Construction Work (May 24, 2001), *published on AILA InfoNet at Doc. No. 01053002 (posted May 30, 2001)*

[Performance of building/construction work is considered local employment/labor for hire (ex. masonry, carpentry, or steelwork), even if it involves an after sales contract, but supervision/training of such workers is appropriate; includes list of

related workers for whom the visa officer should submit advisory opinions.]

“DOS Finalizes Rule Waiving Fees for B-1 U.N. Observers” (Mar. 20, 2003), *published on AILA InfoNet at Doc. No. 03032027 (posted Mar. 20, 2003)*

[68 FR 13727, 3/20/03; visa application and issuance fees waived to B-1 visa applicants coming to the U.S. as participants in their U.N. observer missions.]

Letter, Weinig, Deputy Asst. Comm., Adjudications (1988), *reprinted in 65 No. 15 Interpreter Releases* 415, 481-82 (Apr. 18, 1988)

[Sculptor/painter seeking to enter U.S. for less than 6 months/year to put on shows and receive commissions ineligible for B-1; extending business into U.S., accruing profits in U.S., and no international trade.]

B-1 GENERAL/MISCELLANEOUS

Agency Communications

DOS website, “Business Travel to the United States – What Type of U.S. Visa Will You Need?” *available at <http://travel.state.gov/pdf/BusinessVisa.pdf>*

[DOS non-comprehensive description of appropriate business-specific purposes for B-1 classification.]

DOS website, “INA 214(b) Basis of Refusal Not Equivalent to Inadmissibility (12/04),” *available at http://travel.state.gov/visa/laws/telegrams/telegrams_2173.html*

[DOS notice that INA § 214(b) denial is to be distinguished from determination of inadmissibility.]

DOS website, “Visitor Visas Business and Pleasure,” *available at http://travel.state.gov/visa/temp/types/types_1262.html*.

[DOS general description of the B visa category.]

USCIS website, “B-1 Temporary Visitor,” *available at*

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=cf6d83453d4a3210VgnVCM100000b92ca60aRCRD&vgnnextchannel=cf6d83453d4a3210VgnVCM100000b92ca60aRCRD>

[Brief overview of B-1 visa category.]

“AILA DOS Liaison Practice Pointer: Visa Validity Periods for Indian and American Business Travelers,” *published on AILA InfoNet at Doc. No. 12070346 (posted Jul. 3, 2012)*

[DOS may start issuing six-month B-1 visas to Indian citizens as a matter of reciprocity.]

“VSC Practice Pointer: VSC Provides Guidance on Changing to and Extending B-1/B-2 Status,” *published on AILA InfoNet at Doc. No. 09031064 (posted Mar. 10, 2009)*

[COS to B-1/B-2 may be granted for up to 1 year; EOS for 6 months; includes guidance on how/what to file, age out, and to interfile new I-539 if adjudication is taking longer than 6 months to avoid ULP.]

Legacy INS Memorandum, J. Podolny, “Interpretation of Period of Stay Authorized by Attorney General in Determining Unlawful Presence Under Section 212(a)(9)(B)(ii),” (Mar. 27, 2003), *published on AILA InfoNet at Doc. No. 03042140 (posted Apr. 21, 2003)*

[Provides complex case scenario for B-2 alien with multiple H-1B COS and B-2 EOS filings, timely and untimely, with arguments and analysis.]

Letter, R. Miller, Deputy Asst. Comm., Adjudications (Nov. 5, 1992), *reproduced in 70 No. 7 Interp. Rel.* 221 (Feb. 22, 1993)

[If source of remuneration remains abroad, U.S. bank may arrange payment of expenses/per diem; purchasing property or opening bank account not *per se* prohibited.]

Letter, Weinig, Deputy Asst. Comm., Examination (Jan. 4, 1988), *reprinted in* 65. No. 4 *Interpreter Releases* 86, 96 (Jan. 25, 1988)

[B visitors may study if it is part of work or recreational activities.]

Chapters, Articles, Books

Andrew T. Chan et al., “B-1 Business Visitors,” *The Consular Practice Handbook* 263 (AILA 2012-13)

[Updated from Steven Ladik et al., “B-1 Business Visitors,” *Immigration & Nationality Law Handbook* 249 (AILA 2010-11).]

Jared Leung, “Obtaining Nonimmigrant U.S. Visas in China: How to Make a Good First Impression,” *The Consular Practice Handbook* 363 (AILA 2012-13)

[See 368-69 for specific B-1/B-2 visa application guidance at consulates in China.]

Kenneth White, “Top 25 Reasons for an INA §214(b) Denial,” *The Consular Practice Handbook* 193 (AILA 2012-13)

[Focus on B-2 visa denials under INA §214(b), including specific denial rationales and practice advice.]

Ira J. Kurzban, *Immigration Law Sourcebook* 789 (AILA 13th ed)

[Comprehensive outline of B-1/B-2 visas for reference.]

Victoria Duong, “B-1 Business Visitors,” *Forms & Fundamentals* 149 (AILA 2011-12)

[Overview of B-1 classification; discusses B-1 and study; includes sworn statement of a B-1 visa application refused admission with CBP annotations of how they applied the three-pronged test; also includes common CBP questions.]

Enrique Arellano, “Immigration Considerations for Business Travel in the Americas,” *Immigration Practice Pointers* 652 (AILA 2011-12)

[Summary of B-1 requirements in the context of immigration laws governing business travel in the Americas.]

Kelly McCown et al., “Selected Issues in B-1/B-2 and Visa Waiver Program Travel,” *Immigration Practice Pointers* 289 (AILA 2011-12)

[Practice advisory that highlights uses of the B-visa category for allowing employment-related activity: B-1 in lieu of H-1/H-3 and B-1 for personal/domestic employees; also outlines ESTA requirements for VWP visitors.]

1 Daryl Buffenstein & Bo Cooper, *Business Immigration: Law & Practice* 165 (AILA 2011)

[See Chapter 3, “Visitors: B Visas and Status and the Visa Waiver Program,” 165-303, for comprehensive coverage of B topics, including examples, requirements, permitted activities (includes Mexican and Canadian nationals), key issues, application process, and VWP vs. B strategies.]

Denise Hammond, “Hidden Gems in the USCIS *Adjudicator’s Field Manual*,” *Immigration Practice Pointers* 132 (AILA 2010-11)

[Notes that AFM ch. 30.3(a) contains the rule that no request or application is required to change status from B-1 to B-2]

Steven Ladik et al., “B-1 Business Visitors,” *Immigration & Nationality Law Handbook* 249 (AILA 2010-11)

[Overview of B-1 classification – basic requirements, eligible categories and activities, B-1 in lieu of H-1B or H-3, NAFTA, and visa application and extending/changing status; includes example of corporate risk management of B-1 visitors.]

Martin J. Lawler & Margaret D. Stock, “B-1 and B-2 Visas, and the Visa Waiver Program,”

Professionals: A Matter of Degree 179 (AILA 2009)

[Overview of B visa, with focus on CBP’s role in screening the variety of B applicants.]

Judith K. Haughton, “The Halliburton Portlet: Monitoring Foreign National Business Visitors,” 27-2 *Immigration Law Today* 18-21 (Mar./April 2009)

[Halliburton's internal program to manage immigration compliance with B-1 business visitors' travel.]

Dagmar Butte et al., "What are Your Intentions Anyway? Immigrant Intent, 'Dual Intent,' and Preconceived Intent in Immigration Practice," *Immigration & Nationality Law Handbook* 301 (AILA 2008-09)

[Discusses B visas in the context of nonimmigrant classifications containing explicit presumption of immigrant intent.]

Stephen K. Fischel et al., "NIV Consular Processing – Truth and Consequences," *Immigration & Nationality Law Handbook* 307 (AILA 2007-08)

[Considers B re-entries for applicants denied in another visa category and B-1 in lieu of other visas.]

Paula N. Singer, "B-1 Visitors – U.S. Tax Traps for the Unwary," *Immigration & Nationality Handbook* 441 (AILA 2005-06)

[Detailed discussion of taxation requirements that apply to payments for U.S. services of B-1 visitors.]

Susan K. Wehrer et al., "Studies in Chaos Theory: Guiding Clients Through Appropriate Uses of the Temporary Visitor Visa Categories," *Immigration & Nationality Law Handbook* 299 (AILA 2007-08)

[Concise review of the developed law and common issues with B visa application and admission; includes obscure uses of B-1 and B-2 classification, such as for sports-related workers, amateur entertainers, religious activities, and certain marriage scenarios.]

Kehrel M. Hodkinson & Sharon L. Noble, "Nuts and Bolts of Consular Processing for Artists, Entertainers, and Athletes," *Immigration Options for Artists & Entertainers* 61 (AILA 2007)

[Discusses the scope of use of B-1/B-2 classification and common consular processing issues for artists, entertainers, and athletes.]

Denyse Sabagh, "Nonimmigrant Visas for Business Purposes in the United States: the B-1 Visa," *Global Immigration Guide: Crossing Borders for Business* (AILA 2002)

[Concise outline of B-1 visa eligibility, permissible activities in the U.S., application process, and penalties for visa violation.]

Angelo A. Paparelli & Susan K. Wehrer, "The Incredible Rightness of 'B'ing-- Prudent and Practical Uses for the B-1 and WB Business Visitor Categories," *2 Immigration & Nationality Law Handbook* 105 (AILA 2000-01)

[Analysis of factual scenarios suitable for B-1 categories, including commercial transactions, consultation, computer professionals, board of directors meetings, commercial/industrial workers, study/training, household domestic workers, litigation participants, after-sales service, B-1 in lieu of H-1 for self-employed/supervised visitors); also discusses preparing of the alien for visa application, interview, and entry.]

B-2 ISSUES

Agency Communications

"CBP Liaison Committee Practice Pointer: One Year Admission for Unmarried Domestic Partners," *published on AILA InfoNet at Doc. No. 12022749 (posted Feb. 27, 2012)*

[Consolidated guidance, including eligibility, DOS/DHS regulations and policy, period of admission, and entry procedures for B-2 domestic partners.]

"AILA-Chicago Chapter & CBP Field Office Liaison Meeting Questions" (Oct. 14, 2011), *published on AILA InfoNet at Doc. No. 11120166 (posted Dec. 1, 2011)*

[CBP advises on supporting documentation for B visa domestic partners of H-1B visa holders and B-1 in lieu of H-1B entrants.]

USCIS Policy Memorandum, "Changes to B-2 Status and Extensions of B-2 Status for Cohabiting

Partners and Other Nonimmigrant Household Members; Revisions to *Adjudicator's Field Manual (AFM)* Chapters 30.2 and 30.3; *AFM Update AD11-27*" (August 17, 2011), *published on AILA InfoNet* at Doc. No. 11082673 (*posted Aug. 26, 2011*)

[Policy memo on uniform and consistent processing of Form I-539 for changes to and extension of B-2 status for cohabitating nonimmigrant partners and other household members of principal nonimmigrants.]

Cable, State, 10-State-047061, "Student and Exchange Visitor Visa Update - April 2010" (May 10, 2010), *published on AILA InfoNet* at Doc. No. 10051363 (*posted May 13, 2010*)

[Students engaging in summer work/travel programs where principal purpose is not academic may obtain B-2; if program principally exposes student to a range of subjects coupled with social and other activities, and not substantive academic instruction, may be issued B-2 visa annotated as "Study Incidental to Visit-Form I-20 Not Required."]

Cable, DOS, 01-State-118790, "B-2 Classification for Cohabiting Partners" (July 9, 2001), *published on AILA InfoNet* at Doc. No. 01071131 (*posted Jul. 11, 2001*)

[Nonspouse, cohabitating partners (regardless of sex) of "long term non-immigrants" (A/G/NATO, F/J/M, E/H/I/L etc.) eligible for B-2 if purpose is to accompany significant other.]

"AILA-VO Meeting, AILA Questions and VO Responses" (March 30, 2000), *published on AILA InfoNet* at Doc. No. 00050905 (*posted May 9, 2000*)

[B-2 is appropriate for family members of individuals entering as B-1 in lieu of H-1; children may attend school without having to obtain an F-1 visa.]

Letter, Y. La Fleur, "HQ 70/6 2.2" (June 6, 1996), *reprinted in 73 No. 28 Interpreter Releases* 970, 976-77 (July 22, 1996)

[Parents seeking to remain with F-1 child not a sole basis to deny B-2; includes suggested supporting documentation for such a visa application.]

Chapters, Articles, Books

Mailine P. Wong, "The B-2 Visitor for Pleasure – The Most Issued Visa," *Global Immigration Guide: Crossing Borders for Business* (AILA 2002)

[Overview of uses and prohibitions of the B-2 visa.]