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1. [International Business Travel to the United States: Key Strategies for Entry and Admission](#)

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[International Business Travel to the United States: Key Strategies for Entry and Admission](#)

Go to: [Visa Waiver Program \(VWP\)](#) | [Available Visas for Temporary **Business** Visitors](#) | [Common Reasons for Visa Denials](#) | [Preparing for Entry to the United States](#) | [Once Inside the United States](#) | [Other Considerations for **Business** Travelers](#)

Maintained

by [Sari Long](#), Faegre Drinker Biddle & Reath

This practice note provides guidance on the immigration-related requirements, limitations, and strategies for **business** travelers to the United States. The practice note focuses primarily on **business travel**, not to be confused with a "work visa" or other authorized employment in the United States. There are a variety of other visa categories and work authorization strategies available for employment or other **business**-related activities, but this note will discuss the U.S. immigration rules applicable to international businesspersons **traveling** briefly to the United States.

This practice note addresses the following steps for navigating the process:

- [Visa Waiver Program \(VWP\)](#)
- [Available Visas for Temporary **Business** Visitors](#)
- [Common Reasons for Visa Denials](#)
- [Preparing for Entry to the United States](#)
- [Once Inside the United States](#)
- [Other Considerations for **Business** Travelers](#)

Immigration law can be complex and official guidance can be vague. The information applicable to specific scenarios will differ depending on each traveler's nationality, purpose for visit, U.S. immigration history, and ties to their home country. Make sure you check the [reciprocity agreements](#) and consular [guidelines](#) applicable to your client's nationality and place of residence.

For resources on immigration compliance, see [Immigration Compliance Resource Kit](#).

For more information on **business** immigration issues, see [Immigration Law Considerations in **Business** Transactions](#) and [Business Immigration Sponsorship: Key Considerations](#). For a checklist concerning **business** immigration sponsorship, see [Business Immigration Sponsorship Best Practices Checklist \(Non-immigrant and Immigrant\) \(Employer\)](#). For more information on **business** immigration visas, see Practical Guidance's [Business Immigration / Visas practice notes](#) and Practical Guidance's [Business Immigration / Visas forms](#).

Visa Waiver Program (VWP)

One of the most common ways that international businesspeople use to **travel** to the United States for short-term **business** visits is pursuant to the Visa Waiver Program (VWP). The VWP enables citizens or nationals of participating countries to **travel** to the United States for less than 90 days and for **business** purposes without first obtaining a visa stamp from a U.S. embassy. Many European and Asian countries are part of the VWP, and travelers should confirm that they are eligible to **travel** pursuant to the VWP based on their country of nationality or

International Business Travel to the United States: Key Strategies for Entry and Admission

citizenship. As of this writing, there are 40 countries participating in the VWP. [Visa Waiver Program Requirements](#), [Visa Waiver Program Countries](#).

Requirements for Traveling Pursuant to the VWP

Applicants for the VWP must meet **all** the following requirements to be eligible.

Be a Citizen/National of a VWP Participating Country

The countries participating in the VWP are listed on the [Visa Waiver Program](#) website.

Note that under the Terrorist **Travel** Prevention Act of 2015, even if a traveler is a national of a country participating in the VWP, they will be ineligible to apply for Electronic System for **Travel** Authorization (ESTA), and will be required to apply in-person for a B-1 visa from a U.S. embassy, if they fall in any of the following categories:

- **Traveled** to or been present in the Democratic People's Republic of Korea, Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen on or after March 1, 2011, or Cuba on or after January 12, 2021
- Those who are dual nationals of Cuba, the Democratic People's Republic of Korea, Iran, Iraq, Sudan, or Syria

See [8 U.S.C. § 1187](#).

Have a Valid and Updated ESTA

Travelers wishing to **travel** pursuant to the VWP must have an approved ESTA application prior to boarding a U.S.-bound air or sea carrier. The ESTA acts as an authorization to allow a traveler to board a U.S.-bound and VWP-approved carrier, but it does not guarantee admission at the port of entry. If your client uses a private air or sea carrier, make sure to check that the carrier is on the [Signatory VWP Carriers List](#).

The ESTA is completed online at the [Official ESTA Application Website](#) and remains valid for two years in most cases. To complete the application, your client must pay a \$21.00 processing fee. The Department of Homeland Security recommends that ESTA applications be submitted at least 72 hours prior to **travel**. Be sure to check that your client's ESTA is current and authorizes them to **travel** to the United States before they make **travel** plans.

In certain situations, your client will need to update their ESTA to maintain valid authorization to board U.S.-bound flights. This is the case where any of the following has happened since your client's last ESTA application:

- Your client has received a new passport.
- Your client has changed their name.
- Your client has changed their gender.
- Your client's country of citizenship has changed.
- The circumstances underlying the traveler's previous responses to any of the ESTA application questions requiring a "yes" or "no" response have changed.
- The validity date of your client's ESTA has passed, or their ESTA is otherwise expired.

See [Frequently Asked Questions about the Visa Waiver Program \(VWP\) and the Electronic System for Travel Authorization \(ESTA\) | U.S. Customs and Border Protection \(cbp.gov\)](#); "Updating Your ESTA"; "Does a traveler ever need to reapply for **travel** authorization through ESTA?"

Have the Correct Passport Type

Your client's passport must be valid for at least six months beyond the planned departure date from the United States. For families, each family member (including infants and children) must have their own passport. Finally, the passport must be an e-Passport that is capable of being scanned.

International Business Travel to the United States: Key Strategies for Entry and Admission

Note: Activities allowed under the VWP are the same as those permitted under the B visa (described in more detail below). As such, if your client does not qualify for a B visa but is eligible for the VWP, they may be denied ESTA authorization, face additional review by customs, or be denied admission to the United States. Once in the United States under the VWP, your client may make short trips to Canada, Mexico, or nearby islands and return to the U.S., but they cannot extend their period of authorized stay or apply to change their status to a different visa category if they have entered the United States pursuant to the VWP. U.S. Customs and Border Protection, "[Frequently Asked Questions about the Visa Waiver Program \(VWP\) and the Electronic System for Travel Authorization \(ESTA\)](#)."

Available Visas for Temporary **Business** Visitors

For travelers wishing to enter the United States for temporary **business** or tourism and for whom the VWP is not available, the B-1 visa is the most appropriate nonimmigrant visa category. [Visitor Visa \(state.gov\)](#): For information regarding the B-1 visa generally. [9 FAM 402.2 \(U\) TOURISTS AND BUSINESS VISITORS AND MEXICAN BORDER CROSSING CARDS – B VISAS AND BCCS \(state.gov\)](#); 9 FAM 402.2-5(A)–(C) is more general information on B-1 visas.

For travelers from Mexico, the Border Crossing Card (BCC) is available and is issued and treated under the same rules that govern the B visa. Citizens of Canada or Bermuda visiting the U.S. may not require a visa pursuant to the State Department guidelines found [here](#).

Make sure to check the reciprocity tables applicable to your client's nation of origin. These tables will affect the duration of stay, number of entrances, fees required, and visas available for your client. You can find the relevant reciprocity schedules of your client's nation at the following link: [U.S. Visa: Reciprocity and Civil Documents by Country](#).

B Visas

A B visa is a nonimmigrant visa intended for persons seeking to enter the United States for **business** (a B-1 visa), for tourism (a B-2 visa), or for a mix of both (a B-1/B-2 visa). As this practice note does not cover **travel** for tourism purposes, it will focus on B-1 visas.

Under a B-1 visa, your client may engage in **business** activities that are not considered skilled or unskilled labor. This distinction is vague, but you should note that in the decision in *Matter of Hira*, a tailor who visited the United States under a B-1 visa was affirmed as eligible for the visa. ([Matter of Hira, 11 I&N Dec. 824](#)) (BIA 1966 aff'd by A.G. in 1966). The decision found that, though the tailor was measuring customers and taking orders in the United States, the suits would be manufactured and sold outside of the United States. Using this decision, you should consider the factors of where your client's principle place of **business** is as well as where they will be generating income for any **business** activities within the United States. If you determine their activities reach beyond those in *Hira*, a B-1 visa may not be appropriate.

The Department of State's Bureau of Consular Affairs issued [guidance](#) relating to permissible **business** visitor activities which purports to highlight those activities considered "**business**" and not "work," for which a different visa category would be required.

Some specific activities considered permissible for a **business** visitor include:

- Leasing premises or surveying locations for a **business**
- Attending a conference, meeting, trade show, or **business** event
- Serving as an employee of a foreign exhibitor at an international fair
- Lecturing or speaking, although specific limitations on the remuneration that can be received for this activity
- Performing independent research

International Business Travel to the United States: Key Strategies for Entry and Admission

- Taking orders, negotiating, and signing contracts for products produced outside the United States
- Acting as a service engineer to install, service, or repair commercial or industrial equipment or machinery sold by a non-U.S. company to a U.S. buyer when specifically required by the purchase contract; specifically excludes construction work
- Participating in a training program that is not designed to provide employment

Note that for most of these cases, no remuneration or salary can come from a U.S.-based company or entity.

Clients will often ask whether a specific activity or another is permitted under the **business** visitor rules, and it will often need to be viewed in light of the total purpose for the visit to determine whether it is within the spirit of the **business** visit.

For example, reviewing documents from colleagues or customers, answering emails, and having calls about **business** strategies, for many of us, would be considered the daily activities that constitute "work." If those activities are incidental to the primary purpose for a U.S. visit (such as attending a conference or meeting with local colleagues), it will likely be considered permissible. The key point is how a U.S. Customs and Border Protection officer would perceive the activities, in totality.

How Long Does a B-1 Visa Last?

A B-1 visa can be issued by a U.S. embassy for a maximum of 10-year validity period, depending on the reciprocity tables posted by the Department of State. For some countries/nationalities, the reciprocity tables limit B-1 visa validity to one year. Regardless of the validity period of the B-1 visa stamp, B-1 visitors are admitted to the United States for a period that does not exceed six months, and often can be shorter, depending on the nature of the visit. **Business** travelers must review their period of authorized validity carefully upon every U.S. entry to ensure they understand the expiration date and not to remain in the United States after that date.

We recommend that your clients access and download their electronic Form I-94 record each time they enter the United States and confirm the proper admission category and expiration date. [Electronic I-94](#) records are available following an admission to the United States by plane. Paper I-94 records must be purchased at the border for \$6.00 for travelers entering by land.

*What Activities Are Permitted for B-1 **Business** Travelers?*

Travelers with a B-1 visa can partake in **business** activities that do not amount to skilled or unskilled labor. This includes the following activities.

- Engaging in commercial transactions not involving gainful employment in the United States (such as the tailor in *Hira*)
- Negotiating contracts
- Consulting with **business** associates
- Litigating
- Settling an estate
- Participating in scientific, educational, professional, or **business** conventions, or seminars
- Undertaking independent research

See 9 FAM 402.2-5(B). See [Visitor Visa \(state.gov\)](#); "**Business** (B-1)."

Additionally, your client may qualify for a B-1 visa if they fit in the following categories, but only if they meet the specific criteria outlined in 9 FAM 402.2-5(C)(1)–(9):

- Religious leaders, members of religious groups/denominations, and missionaries

International Business Travel to the United States: Key Strategies for Entry and Admission

- Participants in voluntary service programs
- Members of a board of directors of U.S. corporations
- Professional athletes
- Yacht crewman
- Coasting officers
- Investor seeking investment in the United States
- Equestrian sports
- Individuals transiting for work on the Outer Continental Shelf (OCS)

[9 FAM 402.2\(U\) TOURISTS AND BUSINESS VISITORS AND MEXICAN BORDER CROSSING CARDS – B VISAS AND BCCS \(state.gov\)](#); 9 FAM 402.2-5(C).

These B-1-eligible "exceptions" are generally added as an annotation on the B-1 visa itself.

You should review your clients' planned activities to ensure that they meet the criteria of a B-1 and remain consistent through the application process and customs proceedings. If your client misrepresents the purpose of their visit to be admitted in B-1 status, they may face consequences, including immediate voluntary departure and a 10-year ban on **travel** to the United States. Some employers have received significant monetary penalties for the "misuse" of the B-1 visa, where the Department of Homeland Security determined that the [companies](#) should have pursued work visas on behalf of foreign employees entering the United States.

How Much Does a B-1 Visa Cost?

Applicants for B-1 visas must pay a nonrefundable application fee of \$190, paid as part of the visa appointment scheduling process. Additionally, there may be additional fees depending on any reciprocity agreement between the U.S. and your client's nation of origin.

Application Process for a B-1 Visa

Specific application procedures may change depending on the specific consulate or embassy but generally the procedure is as follows.

Step 1 – Complete the Online Visa Application

First, your client must complete an online Form DS-160 visa application, which can be accessed [here](#).

During the application, your client will be required to upload a photo. If the upload fails or if the consulate or embassy requires a physical photo during the visa appointment, your client must print out a single photo that meets the State Department's [Photograph Requirements](#).

Your client should ensure that all questions are answered truthfully and completely. There are questions on the DS-160 relating to all telephone numbers, email address, and social media handles used by an applicant. Your clients should take care to note all relevant points.

Step 2 – Schedule an Interview

Next, your client must schedule an appointment for an in-person visa interview with a consular officer. Interviewing within your client's nation of origin is preferable as interviewing at a consulate elsewhere may lead to difficulties with visa issuance, including administrative processing or denial. For those applicants 13 or younger and those 80 or older, interviews are generally not required. There are some exceptions to the in-person interview requirement, including instances where a person is renewing an expiring or expired visa in the same category at the same

International Business Travel to the United States: Key Strategies for Entry and Admission

consulate that issued the first visa. A waiver of the in-person appointment is determined via questions answered during the visa appointment process online.

Step 3 – Prepare for the Interview

To prepare, ensure your client has paid the nonrefundable application fee and has a receipt for that. Make sure your client has and will bring all required documents to the consulate or embassy interview. Visa applicants will generally need to take the following documents to the interview appointment:

- **Passport.** This must be valid for ***travel*** to the United States and valid for a period of at least six months beyond the period of stay sought. Everyone seeking a visa, including family members listed on an applicant's passport, must bring a separate passport.
- **Nonimmigrant visa application confirmation page.** The confirmation page from the end of the Form DS-160 must be printed out and brought to the interview. Each visa applicant must have their own DS-160.
- **Photo.** If the photo upload failed on the Form DS-160 or a photo is otherwise required, have your applicant bring one printed photo that meets the [Photograph Requirements](#).
- **Application fee payment receipt.** This applies if the fee is due before the interview.
- **Confirmation page for the scheduled visa appointment.**
- **Supplemental documentation.** This varies depending on the purpose of the B-1 visa, but can include confirmation of employment letters from the employer abroad, an invitation letter from the U.S. contact person/company, evidence of the conference to be attended or meetings to be held (including Outlook appointments or emails), ***travel*** itinerary showing a return ticket, etc.

Additional documentation such as evidence of the purpose of your client's trip, intent to depart the United States following the visa period of stay, and ability to pay all costs of the trip may be required. Evidence of employment may be sufficient for some of these requirements. Be sure to check the relevant U.S. consulate or embassy website to confirm which additional documents are required.

Wait times vary depending on your chosen embassy or consulate. Make sure your client has all necessary documents and review their trip plans and activities in detail. Review some common reasons for visa denials to help prep your client for any questions they might receive (see below).

Step 4 – Attend the Visa Interview

During the interview, the consular officer will confirm that your client qualifies for the B-1 visa. Reviewing why you believe your client qualifies for a B-1 visa is important to ensure a smooth interview. You are not allowed to attend the interview of your client, so make sure to communicate the following to your client ahead of time.

- **Dress code.** Treat this interview like you would a job interview and dress accordingly.
- **On time is early.** Make sure your client plans their ***travel*** to the embassy to ensure they arrive at least 15 minutes before the scheduled time but no more than 30 minutes before the scheduled appointment. Remember, there will be a security screening which could take additional time so plan accordingly.
- **Interview duration.** The interview usually lasts several minutes at most, during this time, answer the questions asked honestly and ask any questions you might have about the visa application process.
- **Answering questions.** When answering questions, remember the purpose of the B-1 visa as a *nonimmigrant* visa. As such, the questions asked will seek to ensure you will not overstay your visa, will stick to the activities outlined above.
- **When a decision is given.** Decisions are given shortly after the conclusion of the interview in most cases, so your applicant will likely not have to wait long for their decision. If the visa application is denied, the consular officer will provide a document that indicates the basis for the denial.

[U.S. Consular Interview - U.S. Visa Issuance - HG.org](#); "Who to Bring."

Border Crossing Cards (BCCs)

Mexican nationals require a nonimmigrant visa for **travel** to the United States. A BCC is available to travelers from Mexico looking to **travel** to the United States in addition to the standard B visas. [Border Crossing Card \(state.gov\)](#).

A standard BCC will last for a maximum of 10 years. Exceptions exist when a BCC is issued to a child under the age of 15 who pays the reduced fee available in that situation. The card is then valid either for 10 years or until the day before the child's 15th birthday, whichever is sooner.

A standard BCC will cost a nonrefundable application fee of \$190. For applicants under the age of 15, the parent or guardian applying pays an application fee of \$15. You can find more information on fees [HERE](#).

Common Reasons for Visa Denials

In General

The consular officer (if your client is applying for a B-1 visa at a U.S. embassy) and the U.S. Customs and Border Protection officer have discretion in granting your client's visa or admission into the United States, respectively. Common reasons for denials include incomplete applications and inconsistent information. Where a visitor is deemed to pose significant risks of overstaying their visa, performing activities outside the scope of a B-1, or becoming a burden on the U.S. public, the visa application might also be denied.

Beyond these general categories, the Immigration and Nationality Act (INA) provides certain explicit reasons for ineligibility as well as possible waivers of ineligibility. [8 U.S.C. § 1182](#). Some of these circumstances of inadmissibility are as follows.

- **Health-related concerns.** [8 U.S.C. § 1182\(a\)\(1\)](#).
- **Criminal history.** [8 U.S.C. § 1182\(a\)\(2\)](#).
- **Security concerns.** [8 U.S.C. § 1182\(a\)\(3\)](#).
- **Public charge concerns.** [8 U.S.C. § 1182\(a\)\(4\)](#).
- **Past visa denials / illegal immigrations.** [8 U.S.C. § 1182\(a\)\(6\)–\(9\)](#).

[Ineligibilities and Waivers: Laws \(state.gov\)](#).

B-1 visa applications can be denied by consular officers with full discretion. If a consular officer does not find your client credible or if the consular officer discovers discrepancies between the information noted on the DS-160 and that provided in the interview (or determined from information databases to which the consular officer has access), the B-1 visa application can be denied at the interview. While your client may certainly apply again for a B-1 visa, the first denial will need to be overcome in front of another consular officer, who generally tends to give weight to the first officer's denial. It is very important that, on the second DS-160 completed following a visa denial, your client disclose the denial and provide a short explanation for why a second application is being made (e.g., because there is additional evidence to confirm the reason for the application, or confirming the client's ties to their home country, etc.).

Preparing for Entry to the United States

Your client's experience at U.S. Customs and Border Patrol (CBP) may vary depending on numerous factors. Remember, a visa gives your client the ability to apply for admission to the United States, but it does not guarantee admission. As such, managing the interaction with the CBP officer upon admission properly is just as important as the visa application. For a general FAQ on entering the U.S., follow the link [HERE](#).

What Happens at U.S. Customs and Border Protection?

Upon approaching the CBP officer at the port of entry, your client will be required to present all relevant ***travel*** documents regarding their stay in the United States and answer any questions the CBP agent may ask. Your client will be required to fill out a declarations form regarding what items they are bringing into the country. You should review the sample [CBP Declaration Form 6059B](#) with your client before they ***travel*** to ensure they can fill the form out quickly and correctly.

CBP will also check your client's belongings to ensure they are not bringing prohibited items into the United States. Be sure to review the [Prohibited and Restricted Items](#) list with your client to ensure they do not violate the guidelines.

Form I-94 and I-94W for U.S. Entrances/Departures

In the past, CBP would issue a paper Form I-94 or Form I-94W to be filled out by travelers to the U.S., but today these forms are digital and can be applied for and accessed on the CBP One™ mobile app or the [CBP I-94 Website](#). Note that travelers crossing into the United States by land are required to pay \$6.00 for a paper I-94 record, as their electronic admission is no longer updated.

What to Bring to Present to Customs and Border Protection

Your client will need a few standard items when going through customs, namely a passport and visa (if not exempted by the VWP). We recommend that your clients carry evidence of the purpose of their visit in the event the CBP officer has any doubts as to the nature of the visit and whether it comports with permissible activities for ***business*** visitors. Outlook appointments, conference agendas, or other evidence of the short-term nature of the visit are good to have on hand in case the CBP officer has more questions about the purpose of the visit.

General Tips for Customs

In addition to reviewing the procedure of entering the United States, you should remind your client the following:

- As the process could take a long time, prepare your documents ahead of time and be sure everything is in order well before reaching the CBP officer.
- The CBP officer sees many travelers each day so keep answers concise and on-point. The customs line is not the place for humor, stories, or casual conversation.
- Make sure that all the questions you answer are consistent with the information you provided to the consular officer (if the client first applied for a B-1 visa at an embassy).
- Be sure you know where in the United States you will be staying and have an address ready to go as well as any documentation you could use to show how you will support yourself financially during your stay.

Available Programs to Simplify Customs

If your client's country of nationality has an arrangement with the United States that allows them to join the Trusted Travelers Program (TTP), your client may be eligible for Global Entry. [International Arrangements | U.S. Customs and Border Protection \(cbp.gov\)](#).

Global Entry is a program requiring a separate application that simplifies the customs process at the port of entry. [Global Entry | U.S. Customs and Border Protection \(cbp.gov\)](#); The general website regarding Global Entry. You can find an up-to-date list of such international agreements [HERE](#).

Strategies for Managing Customs and Border Protection Interviews

Keep Calm

International Business Travel to the United States: Key Strategies for Entry and Admission

Customs can be frustrating. Your client may have just finished a long-haul, overseas flight, may or may not have gotten much sleep, and is now required to wait in line for an indeterminate amount of time. Being prepared to have a smooth, short interview with the CBP officer will go a long way to calming any nerves and ensuring a credible admission process.

Know the Questions That Will Be Asked

Like the visa interview process, the CBP officer is looking to confirm your client's credibility and ensure that they will be conforming to the purpose of their visit. If you noticed anything about your client or their circumstances that may raise questions for the CBP officer, review them ahead of time. The CBP officer's focus is usually on whether a traveler will overstay their period of authorized stay or cause trouble during their visit to the United States so, make sure to review with your client what they will be doing in the United States, when they will leave the United States, where they will stay during their trip, and how they will finance their trip.

Reporting Problems at Customs

Should your client run into problems with customs, they can report these issues to the Department of Homeland Security (DHS). To do so, they will submit their issue through the DHS Traveler Redress Inquiry Program (DHS TRIP). DHS TRIP can be used to note difficulties including the following:

- Watch list issues
- Screening problems at the port of entry
- Situations where travelers believe they have been unfairly or incorrectly delayed, denied boarding, or identified for additional screening at U.S. transportation hubs

[Traveler Redress Inquiry Program \(DHS TRIP\) | Homeland Security.](#)

Once Inside the United States

Once your client is properly admitted into the United States, it will be important for them to remember a few key things during their U.S. stay.

Stick to the Allowed Activities of the Business Visit

When your client received their visa (if applicable) and went through customs, they represented to the U.S. government that they would be **traveling** for **business** activities (on a B-1) or a mix of **business** and tourism (on a B-1/B-2). It is important that your client does not perform activities outside the bounds of what they told the CBP officer. The line between B-1 **business** activities and skilled/unskilled labor is sometimes blurry, as noted above, but your client should be mindful of the limitations outlined by DHS.

Do Not Overstay the Period of Authorized Stay

Though this seems obvious, overstaying the period of authorized admission is a common reason for denying future visas or U.S. admissions.

Not only will your client be able to refer to their I-94 record to determine the last day they are permitted to remain in the United States, but often their passport will be physically stamped by a CBP officer, indicating the expiration date of their period of authorized stay. You should request that your client send you a copy of both their I-94 record and the stamp in their passport to confirm the period of authorized validity. NOTE: Sometimes CBP officers will shorten the period of authorized stay in line with your client's passport validity. It is important not to assume that B-1 or VWP visitors are automatically granted a specific period of validity—review the documents to confirm.

If your client needs to extend their visa, follow the proper procedure, and remember that extensions and changes of status are not allowed to travelers who were admitted into the United States under the VWP.

International Business Travel to the United States: Key Strategies for Entry and Admission

Applying to Extend a Period of Authorized Stay

To apply for an extension of your client's stay under any visa (except for VWP), your client must submit a [Form-1539, Application to Extend/Change Nonimmigrant Status](#). U.S. Customs and Immigration Services recommends a Form I539 be submitted a minimum of 45 days before your client's authorized stay expires, although you should file to change status as soon as your client learns they will need to change their status.

Applications for extensions are available to your client only if they meet the following:

- They were lawfully admitted into the United States with a nonimmigrant visa.
- Their nonimmigrant visa status remains valid.
- They have not committed any crimes that make them ineligible for a visa.
- They have not violated the conditions of their admission.
- Their passport is valid and will remain valid for the duration of their stay.

[Extend Your Stay | USCIS](#).*Applying to Change Nonimmigrant Status*

If your client needs to change their nonimmigrant status from a B-1 **business** traveler to another nonimmigrant status, you will need to determine the appropriate form to submit within the [Nonimmigrant Status Change Factsheet](#). As a preliminary note, there is no need to submit a change of status request if your client is seeking to switch from **business** activities under a B-1 visa to tourism activities under a B-2 visa.

Like the application to extend the period of authorized validity, your client is not eligible to change their status if they are visiting under the VWP. Otherwise, any individual who was lawfully admitted to the United States under nonimmigrant status, whose status remains valid, and who has not violated the conditions or committed any crimes that would make them ineligible can apply to change their status. [Change My Nonimmigrant Status | USCIS](#).

Travelers entering the United States pursuant to the VWP can only obtain another period of authorized **business** visitor validity by departing the United States and reentering again under VWP.

Other Considerations for Business Travelers

Even when all the parameters for **business travel** are met (i.e., sticking to permissible activities, having proper ESTA or visa validity, maintaining evidence for the purpose of the visit, etc.), it is possible that the CBP may flag your client for secondary inspection. Secondary inspection means that CBP may pull your client aside to speak with a more senior CBP officer who will question your client in more detail about the purpose of the visit, any prior visits, and whether your client has any evidence to support their claims. CBP may inspect their hand luggage, and, if further inquiry is necessary, may search their checked luggage and electronic devices. Your client may not have an opportunity to contact you during this time, but if they are allowed to contact you, you may be able to learn more about the reason for the secondary inspection and advise accordingly.

If CBP denies your client admission to the United States, CBP will provide a copy of the interview transcript from secondary inspection to your client, and a justification for the denial of admission. You should advise your client to accept voluntary departure, and they will be placed on the next flight back to their country of origin. This will create issues in the future for your client, especially if they arrived pursuant to ESTA. They will no longer be allowed to **travel** under ESTA in the future and will be required to first obtain a B-1 visa from a U.S. embassy abroad before attempting to **travel** to the U.S. again.

If your client has been found to have been dishonest to CBP or to have misrepresented the purpose of their visit, they may be subject to a 10-year bar from returning to the United States. These bars are very difficult to overcome if your client wishes to return to the United States in the future.

International Business Travel to the United States: Key Strategies for Entry and Admission

It is important to note too that if your client is **traveling** frequently to the United States and for long durations, CBP will grow increasingly suspicious as to the activities of your client and whether those fall under permissible **business** activities. The duration and frequency of United States **travel** may eventually lead to CBP denying admission to your client and advising them that they need to secure a U.S. work visa before returning to the United States.

Current as of: 06/06/2024

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