

Visa Issues for User Facilities

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April 22, 2015

PRIMARY ISSUE

Immigration Delays!

VISITOR FOR BUSINESS / “WB”

- ❑ Visa Waiver Program – no visa required
- ❑ Citizens / Nationals of certain countries
- ❑ Designation on I-94 card – “WB”
- ❑ Register in ESTA (in advance)
- ❑ Machine readable passport with 6 month validity
- ❑ Authorized stay = 90 days (including contiguous countries / islands)

VISITOR FOR BUSINESS / B-1

- Not eligible for VWP – must have visa.
- Apply at US embassy or consulate abroad.
- Designation on I-94 card – “B-1” or “B-1/B-2”
- Authorized stay = up to 6 months

- VW country nationals can apply if:
 - Stay longer than 90 days.
 - Change status (i.e. to work authorized status).

NECESSARY DOCUMENTATION

- Invitation letter (i.e. activities, length of stay, finances)
- Proof of ties to home country
- Proof of sufficient funds to cover stay (i.e. letter from foreign employer).

- Taking spouse and/or children is not uncommon and certainly is permissible.
 - Increased scrutiny (non-immigrant intent).

“T4” (soon to be T3?) COUNTRIES

- No special procedure, just considerations.
- Operating Consulate / Embassy?
 - No presence?
 - Alternative locations?
 - Suspended services?
 - Could be any country in exigent circumstances.
- Apply well in advance.
- Detail negates national security threat.
- Possible single entry.

PERMISSIBLE ACTIVITIES

- ❑ Conduct independent research (no US benefit)
- ❑ Attend a conference, trade show or training
- ❑ Meet with business associates
- ❑ Give a lecture or invited talk
- ❑ Scoping out an investment or negotiate a contract
- ❑ Attend a job interview
- ❑ Visit schools
- ❑ Provide engineering support to products sold by non-US employer



COLLABORATION

- Only independent research.
- Prohibits research benefit to US institution.
- Draw line at “meaningful collaboration”.
 - Consulting is likely permissible (listed as a consultant);
 - Contributing on a project at the facility is likely not (listed as an author).
 - Grey area: US scientist contributing to FN’s work.

PERMISSIBLE PAYMENT

- ❑ No compensation from a US source.
- ❑ Reimbursement for certain expenses (i.e. travel, lodging) is permitted.
- ❑ Letter from foreign employer is advisable.

F-1/OPT STUDENT & H-1B WORKER

- F-1 60 day grace period
 - Can apply for OPT
 - No work or business activities until approved
- OPT STEM extension
 - Can continue to work for 180 days while EAD application is pending.
- H-1B extension
 - Can continue to work for 240 days while H-1B petition is pending.

OTHER OPTIONS

- ❑ Necessitated by: length of stay, pay, benefit.
- ❑ Possible Options:
 - Government Official (A-1)
 - Short Term Scholar (J-1)
 - Government Visitor (J-1)
 - International Visitor (J-1)
 - Specialist (J-1)
- ❑ Of note: J-1 requires sponsorship (own program or outside sponsor).

CORRECTING ENTRY STAMP

- ❑ Intended activities not permitted until fixed.
- ❑ Request correction at airport
 - Pay attention at immigration.
 - Don't be afraid to ask for correction.
- ❑ Request correction at local CBP office.
 - USCIS cannot make correction.
 - Knoxville, Chattanooga, Tri Cities, Nashville
 - Take all documents.



GLOBAL ENTRY PROGRAM

- Expedited clearance for low risk travelers.
- Primarily for US Citizens and LPRs
 - A few country nationals can join (Netherlands, Germany, Mexico).
 - Others have bilateral trusted traveler arrangement with the CBP for some statuses (i.e. B-1 and J-1).
- Does not negate the need for a visa.
- Does not change conditions of status.
- Dependents must have own membership.

FAMILY MEMBERS

- ❑ No dependents – must qualify on own.
- ❑ Will likely be designated “B-2” or “WT”.
- ❑ No business activities.
- ❑ Whether permitted to observe spouse’s work depends on facility policy (it varies).
- ❑ Beyond that (i.e. attending meeting, conducting experiment) – need own B-1 / WB
- ❑ Applies to H-4 or J-2 spouse.



LEGISLATION

I WISH

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