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Consuls Skeptical of Business Visas

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Persons planning a business trip to the U.S. may enter under a B-1 visa. This visa is valid for a limited period and it cannot be used for employment purposes. To get it, the applicant must present convincing evidence that he is coming to the U.S. purely for business and that he intends to leave at the end of his temporary stay.

Consular officers especially in Manila are often skeptical of an applicant's true intentions. They believe that this visa is often used by many as a stepping stone to stay in the U.S. indefinitely. Once here the alien will look for employment and remain here illegally; some will convert the B-1 to a working (H) or student (F-1) visa status.

To convince the Consul that the applicant is coming purely for legitimate business activities, and that he will return home after meeting his commitments, he must show the following:

1. A strong incentive to return home like a spouse or children left behind; an employment, business, or properties to return to; and other financial commitments.
2. Sufficient funds to pay for the trip. Certification from a bank of a fat bank account, affidavits from friends and relatives who are willing to provide financial support or who are offering the applicant a place to stay while in the U.S. are acceptable. If the applicant is the primary bread winner for his family, he must also show that they will have adequate provision while he is gone.
3. A specific and realistic plan for the visit. The period of time asked for must be consistent with the stated purpose. Do not expressly ask for the "maximum allowable period." This could arouse suspicion.

Presenting the above documentation will not guarantee a B-1 visa. If the Consul remains unconvinced as to the true intent and purpose of the visit, or if there are doubts as to the authenticity of the supporting documents presented, the visa will not be granted. The interview is crucial to the whole process.

Activities that are permitted under a B-1 visa include making investments, buying goods, negotiating contracts, consulting with business associates, engaging in commercial transactions that do not involve gainful employment in the U.S., litigation, participating in scientific, educational, professional or business conventions, conferences, or seminars, or undertaking independent research.

An issue that is presently causing some controversy is the perceived abuse of the B-1 visa by foreign contractors. These contractors bring in skilled workers such as computer programmers or engineers to the U.S. to work for U.S. employers. The U.S. employers pay the foreign contractors who remit the money abroad and pay the workers in the local currency. It is argued that these workers who are actually working for the U.S. firms should be admitted on an H-1 visa and not B-1 visa. This alleged abuse by some overseas contractors may result in a substantial narrowing of appropriate uses of the B-1.