U.S. business visas, applications, and adjudications for the French business community

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Business visas and the Visa Waiver Program

- H1B?
- ESTA?
- B1?
- L1?
- E1?
- E2?
- C, D, I, O, P, Q, R?
Overview

- Visa Waiver Program
  - ESTA – Electronic System for Travel Authorization

- U.S. business-related visa categories

- Applying for a U.S. visa

- Adjudication process
US VISAS

US Congress

Immigration laws (INA)

DHS

Department of State

- CBP  (Customs and Border Patrol)
- TSA  (Transportation Security Administration)
- USCIS (Citizen and Immigration Services)
- ESTA (Electronic System for Travel Authorization)

- Embassies
- Consulates
What is the Visa Waiver Program?

- Qualified temporary business or tourism up to 90 days without a U.S. visa
- Valid 2 years
- Department of Homeland Security program
- Open to citizens of more than 35 countries, including France
Conducting Business on the Visa Waiver Program

- Conduct commercial transactions
- Negotiate contracts
- Consult with business associates
- Participate in scientific, educational, professional, or business conventions, conferences, or seminars
- Undertake independent research
- Plan investment
- Not for engaging in employment or studying
ESTA authorization

- Generally valid 2 years
- Refusal rate less than 1%
- Register online: https://esta.cbp.dhs.gov/esta/
- Apply early
- Hotline
  - Call CBP: +1 (703) 526 4200
If you do need a visa........
Overview of U.S. business visas

- **B1** – General business
- **H** – Temporary short-term workers
- **L** – Intra-company transferees/workers
- **E** – Treaty traders and investors and workers
- **C, D, I, P, Q, R** – Specialized workers
B1: General Business Visas

- Engage in commercial transactions
- Negotiate contracts
- Consult with business associates
- Purchase goods and services
- Participate in scientific, educational, professional, or business conventions, conferences, or seminars
- Undertake independent research
- Prospective investors
- Not for engaging in employment or for studying
B adjudications

Applicants must satisfy the interviewing officer that they:

- Are **qualified** for the type of visa for which they are applying.
- Will **leave the United States** at the end of their authorized stay.
- Have **strong ties** to their home country.
- Have **no intention of abandoning** their residence abroad.
H: Temporary Workers

- H1B work visa
  - Specialty occupations that require a college or advanced degree: business specialties, accounting, law, engineering, accounting, information technology
- Generally 3 years, extensions possible
- Requires bachelor’s degree or work equivalent
- Employer petitions for the applicant
- Quota: 65,000 each year
  - 20,000 additional petitions available for nonimmigrants who have earned a master’s or higher degree from a non-profit U.S. institution of higher education
H adjudications

- Bachelor’s degree or equivalent experience in the field of employment
- Approved company petition and Department of Labor certification
L: Intra-company transferees

- Permits international companies to transfer executive, managerial or specialist employees to company’s U.S. offices on a temporary basis
  - Managerial or executive
  - Specialized knowledge
- Generally three years, extensions possible
- Minimum one year experience with company required (outside the United States)
- Petition based
E-visas: Traders and Investors

E-1

- For investors in or employees of companies that trade a substantial quantity of goods or services between France and the United States

E-2

- Work visa for investors who create foreign direct investment and employment in the United States, and for essential or executive employees of the enterprise (note: passive or speculative investment does not qualify)
E-1 Visa Examples

E-1

• French wine company selling to the United States
• The volume of trade with the United States
  • is substantial
  • represents over 50% of the total trade (of the U.S. operation)
E-2 Visa Examples

E-2

• French manufacturer establishes sales operation in the United States
• Company imports algae from Brittany to create fertilizer for citrus trees
• Small bakery employs nine people in third year
E-1/E-2 Essential employees

- Employee will hold an executive/supervisory position
- or possess skills essential to the firm’s operations in the United States
- Select companies eligible for expedited scheduling
  - business in the United States for at least 2 years
  - group sales of more than $10m per year or
  - a U.S. work force of at least 500 employees and
  - approval for at least 5 essential employees during the past 12 months, at Embassy Paris
E Adjudications

Considerations:

• Trade or investment must exist
• Trade or investment must be substantial
• U.S. company must not be marginal
• Employees must have executive role or possess essential skills
Other work visas

- **C -1/D** - Crew members (airline, ship) joining a vessel or aircraft in the United States
- **I** – Media (journalist, cameraman)
- **O** – Extraordinary ability, national acclaim
- **P** – Performing artists, athletes, or entertainers
- **Q** – International cultural exchange (Disney)
- **R** – Religious workers
How do I apply for a US visa?

www.usvisa-info.com
Applying for a U.S. visa

1. Complete DS-160 visa application form online
   - https://ceac.state.gov/genniv

2. Schedule interview appointment with consular officer
   - www.usvisa-info.com
   - payment of visa fee by debit card or bank transfer
   - wait times for an interview typically 7-10 days
   - busiest times are December and June-August
   - if approved, visas take about 4 days to arrive
Applying for an E visa

- **Pre-approved companies**: schedule through [www.usvisa-info.com](http://www.usvisa-info.com)

- **Other applicants**: Mail an application package to embassy following the guidelines on [france.usembassy.gov](http://france.usembassy.gov)
  - Processing time is 8 to 12 weeks from the time we receive a complete application package.
How are visas adjudicated?
Further Information

- US Embassy Paris: [France.usembassy.gov](France.usembassy.gov)
- US Department of State: [travel.state.gov/visa](travel.state.gov/visa)
- ESTA: [esta.cbp.dhs.gov/esta/](esta.cbp.dhs.gov/esta/)
- US Customs & Immigration Service: [www.uscis.gov](www.uscis.gov)
Questions?

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