

Getting Started in the United States



VISA AND IMMIGRATION CONSIDERATIONS

JESSICA POWERS-HEAVEN
VISA CHIEF, CONSULAR SECTION
U.S. EMBASSY VIENNA, AUSTRIA

Overview



- Visa Waiver Program (VWP)
- Types of Visas for Business Travelers
 - Temporary Business Travel (B1)
 - Temporary Employment (H1B)
 - Intracompany Transfer (L)
 - Extraordinary Ability (O)
 - Treaty Investor/Essential Employee Visa (E2)

Visa Waiver Program (VWP)



- Enables citizens of participating countries to travel to the United States for business for stays of 90 days or less without obtaining a visa.
- Travelers must have a valid Electronic System for Travel Authorization (ESTA) approval prior to travel.
- The online ESTA application can be found on the U.S. Customs and Border Protection website at <https://esta.cbp.dhs.gov>.
- ESTA authorizations are usually valid for two years.
- Cost is \$14 and it takes up to 72 hours.

Visa Waiver Program (VWP)



- **Permissible VWP business travel purposes include:**
 - To consult with business associates
 - To attend a scientific, educational, professional, or business convention or conference
 - To attend a short-term training
 - To negotiate a contract
- **Examples of travel NOT allowed under VWP include:**
 - To engage in employment for a U.S. entity or work that is compensated by any source in the United States
 - To work as a member of the foreign press
 - To take up residence in the United States

Visa Waiver Program (VWP)



- Under the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, travelers are not eligible to use the Visa Waiver Program if:
 - They have traveled to or been present in Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen on or after March 1, 2011, or
 - They are nationals of VWP countries who are also nationals of Iran, Iraq, Sudan, or Syria.
- An individual in one of these categories must obtain a visa prior to traveling to the United States.

Visa Waiver Program (VWP)



- Beware of companies that charge additional fees to submit ESTA on your behalf.
- <https://esta.cbp.dhs.gov> is the only way to apply for ESTA.
- Using a third party service could slow your application and make it difficult to check on status.

Types of Visas for Business Travelers



- B1 Visa or Combination B1/B2 Visa (Temporary Business Travel)
 - Same activities as those permitted under VWP
 - For individuals not eligible for ESTA
 - Special B1 categories:
 - ✦ Commercial or industrial workers
 - ✦ B1 in lieu of H

Types of Visas for Business Travelers



- **H1B Visa (Temporary Employment)**
 - Specialty occupations
 - Requires a higher education degree
- **L1 Visa (Transfer within Company to Work in US)**
 - Intracompany transferee, to work at a U.S. office of the visa applicant's current employer
 - To work in a managerial or executive capacity OR in a position requiring specialized knowledge
- **O Visa (Extraordinary Ability)**
 - Individual with extraordinary ability or achievement in the sciences, arts, education, business, or athletics

Types of Visas for Business Travelers



- E2 (Treaty Investor Visa)
 - Nationality
 - ✦ At least 50 percent of the business must be owned by persons with the treaty country's nationality.
 - ✦ The investor's nationality must match the enterprise's nationality.
 - Investment
 - ✦ Must be substantial, with funds or assets irrevocably committed.
 - ✦ The investor must be in control of the funds and must be coming to the United States to direct and develop the enterprise.
 - Viability
 - ✦ The investment must be in a real operating enterprise.
 - ✦ The enterprise must be more than marginal.

Types of Visas for Business Travelers



- **E2 (Essential Employee Visa)**
 - The applicant's nationality must match the nationality of the company.
 - The applicant must be considered an essential employee, employed in a supervisory, executive, or highly specialized skill capacity.
- For all E2 visas, the applicant must have the intention to depart the United States when the E2 status terminates.

Visas for Business Travelers



- To apply for a business visa, go to www.ustraveldocs.com/at/.
- Cost is \$160 for 10-year visa, though there is variation depending on visa type.
- Beware of other vendors and visa services. www.usstraveldocs.com is the only way to apply for a US visa.
- Appointments are usually available next day.

Questions?



- Website: www.ustraveldocs.com/at/
- Email: ConsulateVienna@state.gov