

From: Bishop, Marie
Sent: Friday, June 05, 2009 4:10 PM
To: ARS-MWA-AO-ALL
Subject: FW: B-1 Visa Clarification -- Please Disseminate
Importance: High

MWA AOs, I'm forwarding this for your info and additional distribution if necessary. I've highlighted the crux of Jason's message—a foreign national can't receive a maintenance allowance from us if s/he's coming to the U.S. on a B-1 Visa or through use of a Border Crossing Card or the Visa Waiver Program. If a visitor is going to receive a maintenance allowance from us, s/he must come on a J-1. While I haven't gone back and looked at MWA's records on this, I don't believe this latest nuance is going to have much impact on us. Ultimately, this info will be added to the PASTG's SOP.
Marie

From: Groves, Jason
Sent: Friday, June 05, 2009 3:31 PM
To: Griffin, Earl; Agee, Deb; Skinner-Marshall, Denise; Clough, Kathy; Fortson, Irene; Meier, Christa; Keeling, Rita; Bishop, Marie; Koch, Diane; Laird, Veronica; Privott, Teresa; Bracey, Betty; Taylor, Edna; Smith, Phil; Thessen, Dan; White, Kathi
Cc: Nelson, Diane; Good, Jean; Brenda Dean; Rima Eid
Subject: B-1 Visa Clarification -- Please Disseminate
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The U.S. Department of State has provided the following clarifications for "permitted [uses of] a business visitor [B-1] visa" (I've edited it down to only those uses which would likely be encountered):

Purpose of Travel	About the Temporary Visit
Conference, meeting, trade show, or business event attendee	Will receive no salary or income from a U.S. based company/entity. For scientific, educational, professional or business purposes only.
Lecturer or speaker	No salary or income from a U.S. based company/entity, other than expenses incidental to the visit. If an honorarium will be received, activities can last no longer than nine days at any single institution or organization; in accordance with 8 United States Code (U.S.C.) §1182(q), payment must be offered by an institution or organization covered under Title 20 [Education] of the U.S.C; honorarium is for services conducted for the benefit of the institution or entity; and visa applicant will not have accepted such payment or expenses from more than five institutions or organizations over the last six months.
Researcher	Independent research, no salary/income from a U.S. based source, or benefit to a U.S. institution
Training	Participating in a training program that is not designed primarily to provide employment. Will not receive payment or income from a U.S. based company/entity, other than an expense allowance or reimbursement related to the traveler's stay.

For ARS' purposes the statements listed below have been interpreted as follows:

- USDA (including ARS) would be a "U.S. based company/entity";
- "no salary/income" would mean funds received from USDA for anything other than payment of anticipated expenses;
- ARS may express an interest in the research which will be conducted but according to the State Department "no benefit to a U.S. institution" means ARS may not receive benefit from it. (Admittedly I'm not sure what 'no benefit' means but I believe I'll know it when I see it).

Effective immediately, no request for establishment of a maintenance agreement will be forwarded by this office for any individual who intends to travel to the U.S. on a B-1 Visa if the purpose of such travel does not meet the outline provided above. Please note that this change also applies to B-1/B-2 Visas (Multi-use Business/Tourism), BCC (Border Crossing Cards), and VWP (Visa Waiver Program) participants as all are alternatives forms of B-1 Visas. Because issuance of visas is regulated by Federal Law exceptions cannot and will not be made.

Finally, I have copied FAS and FSIP on this e-mail to notify both of this change in ARS policy. Should there be any questions, comments, or concerns expressed by researchers in your respective areas please ask that they address them to me.

Jason