

CASE STUDY: B-1 (in lieu of H-3) for Multinational Non-Profit Sending Workers to the U.S. for Temporary Training

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Last month, our corporate client, a multinational nonprofit, contacted us and shared that they were in the process of expanding their presence in Belgium. They had a group of individuals (6) that had been recently hired by their Belgium entity to support the expansion. However, those individuals needed to enter the U.S. in approximately a month to complete necessary training at the company's U.S. location for six (6) weeks so that they could properly and effectively complete their new job duties in Belgium. The training would consist of a mix of classroom environment and practical simulations to gain hands-on experience, while having their work reviewed by the experienced trainers in the U.S.

LMWF Solution: After confirming that the training was not available in Belgium, that the individuals would remain employees of the Belgium entity and would not be remunerated by the U.S. company, and that any productive work would be incidental to the training, we offered our solution: The six (6) individuals could enter the U.S. in B-1 (in lieu of H-3) status under the Visa Waiver Program.

Since these individuals were citizens of Belgium, they could utilize the Visa Waiver Program (if they had ESTA Authorization). As background, the Visa Waiver Program allows individuals of certain countries to enter the U.S. without first obtaining a U.S. visa abroad. Foreign nationals entering the U.S. under the Visa Waiver Program can be admitted for up to ninety days and are allowed to engage in B-1 Business Visitor Activities. Being able to utilize the Visa Waiver Program for this purpose results in a significant advantage to the company – foregoing the time and expense associated with obtaining U.S. visas abroad.

Over a four week period, our office diligently worked with the company and the employees to prepare B-1 (in lieu of H-3) packets for each foreign employee. Our packet included a support letter from the Belgium entity confirming the need for the training in the U.S. and providing details about the training program; a detailed Training Plan from the company outlining the topics to be covered and delivery method; and a detailed cover letter from our office confirming their ability to enter the U.S. in B-1 (in lieu of H-3) status under the Visa Waiver Program.

We also provided the applicants with a detailed instructional letter summarizing their eligibility and outlining supporting documents they should bring with them to the U.S. in support of their application for admission. Prior to their travel date, we also completed a prep call with them to ensure that they had a understanding of what to expect when they encountered U.S. immigration, make sure the individuals understood how they were eligible, and go over any questions or concerns they had.

All six (6) applicants successfully entered the U.S. recently and are currently completing their training in the U.S.

By reaching out to our office and being proactive, this multinational company ensured ongoing compliance with U.S. immigration laws and placed their employees in a position of confidence when entering the U.S. In addition, they strategically managed their business need to have the new employees complete their training in the U.S. while remaining financially cognizant of the expense involved.

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