



LAWFUL ACTIVITIES IN ESTA AND B STATUS



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

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The Visa Waiver Program (VWP) allows for most citizens or nationals of participating countries to travel to the U.S. for tourism or business travel, for up to 90 days, without applying for a visa at a U.S. consulate or embassy abroad. Citizens from participating countries must have a valid Electronic System for Travel Authorization (ESTA) before they travel to the U.S. A complete list of participating countries can be found [here](#). Canadian citizens are not included in this list of participating countries as they are considered visa exempt and can enter the U.S. without a visa.

Individuals who are not eligible for the VWP need to apply for a B visa to enter the U.S. as a visitor. Individuals who enter the U.S. on a B visa can remain in the U.S. for up to 180 days per entry.

While any individual is eligible to apply for a B visa, individuals who are eligible for VWP are strongly encouraged to utilize ESTA, as a denial of a B visa will result in the inability to apply for ESTA in the future. In addition, citizens from all other countries may apply for B visas in order to travel to the U.S. for tourism or business purposes. Business travelers will apply for a B-1 visa and travelers for tourism will apply for a B-2 visa.

THE FOLLOWING ACTIVITIES ARE PERMITTED UNDER BOTH ESTA AND B STATUS:

- ⇒ Attend a scientific, educational, professional or business conference
- ⇒ Consult with business associates
- ⇒ Negotiate a contract or meet with a prospective client
- ⇒ Undertake independent research
- ⇒ Recreational travel in nature, including tourism
- ⇒ Visit friends or relatives
- ⇒ Seek medical treatment
- ⇒ Engage in activities of a fraternal, social, or service nature
- ⇒ Participate by amateurs who will receive no remuneration in musical, sports, and similar events or contests

Productive work is NOT permitted under either ESTA or a B visa. These visitors may not receive a salary from a U.S. source. A U.S. source may provide an expense allowance or provide reimbursement for expenses incidental to the persons' temporary stay.

THE FOLLOWING ACTIVITIES ARE **NOT** PERMITTED:

- ⇒ Attending school
- ⇒ Any productive work
- ⇒ Receiving a salary from a U.S. source

In addition, ESTA or a B visa, does not allow for travelers to attend school in the U.S. If the traveler plans on working in the U.S. or attending school, ESTA or a B visa, would not be appropriate for those purposes.

Should violations of either ESTA or B visa be discovered, the individual could be denied re-entry into the United States. A discovered violation will also impact the individual's ability to apply for other immigration benefits.

Frequency of travel to U.S.

There is no limit on how frequently individuals can travel on either ESTA or a B visa. However, if someone spends more time inside of the U.S. than outside of the country, Customs and Border Protection (CBP) may deny entry or limit stay shorter than the allowed period, at their discretion.

Change of Status

It should be noted that individuals who enter the U.S. on a B visa can request a change of status to another nonimmigrant visa or adjust status to permanent resident. Individuals on ESTA are not able to change status or adjust status to permanent resident.

Should you have any additional questions regarding which activities are permissible under ESTA or a B visa, please contact your designated Meltzer Hellrung attorney.