

PUBLICATION

Immigration Update: Scams Abound; Getting Acquainted with the Business Visitor; CBP Eases Your Next U.S. Entry

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January 20, 2015

New Initiatives = New Targets for Scams

Unfortunately, where there is uncertainty, there are those who will use scams to target those individuals looking for clarity. On November 20, 2014, the President announced a series of Executive Actions on Immigration, which have not yet been implemented.

It is critical that individuals know that at this time, no applications or requests can be filed. In response to well-founded concerns of the victimization of many who eagerly wish to pursue benefits based on these new immigration initiatives, the United States Citizenship and Immigration Services (USCIS) has [published information on its website](#) to help avoid common scams, with links to resources for reporting any suspected scammers.

[This page also contains a link](#) where individuals can subscribe to receive updates and alerts when new information is posted by USCIS, so that any incorrect information can be revealed against what processes for these benefits are actually in place and available.

The Department of Homeland Security and Department of State have also launched a "Know the Facts Awareness Campaign," an aggressive campaign to clarify the national and border security and public safety priorities now in effect and criteria for filing requests for deferred action under the Executive Actions.

For full details on the DHS and State Department measures, [click here](#).

Even those seeking established avenues for immigration benefits have been challenged by fraudulent schemes. In addition to the recent scam targeting H-1B employees, foreign nationals pursuing EB-5 immigrant investor visas also are potential victims of fraudulent activity. In response to the ongoing problem of fraudulent securities offerings targeting EB-5 investors, the U.S. Securities and Exchange Commission (SEC) and the USCIS have combined forces to educate investors and combat further harm perpetuated by such investment scams. The SEC recently posted a full Investor Alert with examples of fraudulent cases, tools for effective research of investment opportunities, and to identify warning signs for potential securities fraud. The full SEC alert is available [here](#).

As always, be alert and if you have any concerns about whether something is a scam, contact immigration counsel or one of the many resources listed on the USCIS scam-alert link above.

Business Visitors – What Can They Actually Do?

It is not always easy to determine whether an individual's activities in the U.S. necessitate a work visa or if the visitor can truly fall within the B-1 visitor for business classification. The Foreign Affairs Manual provides a list of six activities that are permissible under B-1:

1. Engaging in commercial transactions, which do not involve gainful employment in the U.S.
2. Negotiating contracts

3. Consulting with business associates
4. Litigating
5. Participating in conventions, conferences or seminars, or (6) undertaking independent research. (See 9 FAM 41.31 N8)

Companies seeking to bring foreign nationals to the U.S. frequently struggle with these guideposts of permissible activity and defining the scope of what a particular visitor can and can't do. The U.S. Customs and Border Protection (CBP) has published a series of FAQs addressing B-1 Permissible activities that provide another resource and a bit more insight as to who can be appropriately considered a Business Visitor. If there is any question about whether or not a work visa is required, we continue to recommend consultation with an immigration attorney to minimize risk of denial or worse, a finding of misrepresentation resulting in permanent bars from the United States.

For the recent CBP guidance, [click here](#).

Planning a Trip to a U.S. Port of Entry? CBP has an App for That

In their continued efforts to create a traveler-friendly processing environment for those entering the U.S., CBP has announced the launch of their free "Border Wait Time" app (available from Apple's App Store and Google Play). Travelers can use the app to locate the three ports of entry closest to their location and compare wait times for the border crossing. Times for pedestrian, passenger and commercial vehicle crossings are broken down by lane type (standard, SENTRI, NEXUS, FAST, Ready Lane, etc.). Travelers do not have to provide any personal information or register to use the app, and CBP does not store or have access to traveler information.

CBP's additional developments in improving the traveler experience include: enrolling more than three million travelers in trusted travel programs (e.g., NEXUS, Global Entry), deploying the Automated Passport Control (APC) kiosks in more than 25 airports, and launching the Mobile Passport Control, an app to expedite a traveler's entry into the United States.