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U.S. Department of Justice

Immigration and Naturalization Service

General Counsel's Office

Legal Opinion Your HQ 235-C Memorandum of December 7, 1993: Legal Opinion

Michael D. Cronin, Assistant Commissioner, HQINS

HQ 235-C
December 28, 1993

*** Start Section

... and deliver them to the hospital or lab in Mexico which submitted the samples. The couriers engage in no intermediate pick up and delivery of samples or reports within the United States.

Based on these facts, Mr. Gonzales raises the following question:

Is the activity of these couriers consistent with their admission to the United States, whether with a nonimmigrant visa or border crossing card, as B-1 nonimmigrants for business?

II. SUMMARY CONCLUSION

The activity of these couriers is consistent with their admission as B-1 nonimmigrants, so long as they engage in no intermediate pickup or delivery of items within the United States.

III. ANALYSIS

An alien may enter the United States as nonimmigrant visitor for business in order to engage in international commerce. [Matter of Hira, 11 I&N Dec. 824 \(BIA 1966\)](#). The Board has held that the delivery in the United States of a cargo which originates abroad, and the picking up in the United States of a cargo bound abroad constitutes international commerce. [Matter of Camilleri, 17 I&N Dec. 441 \(BIA 1980\)](#); [Matter of Cote, 17 I&N Dec. 336 \(BIA 1980\)](#). An alien may, therefore, be admitted to the United States as a B-1 nonimmigrant to engage in these activities. Neither local employment nor labor for hire, however, are not within the scope of a B-1 admission. [22 C.F.R. Sec. 41.31\(b\)\(1\)](#). A B-1 nonimmigrant who picks up and delivers international cargoes, therefore, may not pick up within the United States any cargo which is to be delivered within the United States. Genco Opinion 89-20, 1989...