



GOVERNMENT OF PUERTO RICO
Office of the Commissioner of Insurance

Javier Rivera Ríos
Commissioner of Insurance

November 29, 2017

CIRCULAR LETTER NO.: CC-2017-1920-D

TO ALL INSURERS AUTHORIZED TO TRANSACT PROPERTY AND HAZARD INSURANCE IN PUERTO RICO, PUBLIC AND INDEPENDENT ADJUSTERS, PRODUCERS, AND AUTHORIZED REPRESENTATIVES

SCOPE OF THE CATEGORY B1 BUSINESS VISITOR VISAS

Dear Sirs and Madams:

The Office of the Commissioner of Insurance, (hereinafter, the OCI”) issued Circular Letter No. CC-2017-1916-D on November 7, 2017, among other things, for the purpose of setting forth the requisite of evidence of authorization to work in the jurisdiction of the United States that residents in foreign countries must have at the time of applying for an emergency adjuster special permit in Puerto Rico.

Circular Letter No. CC-2017-1916-D, in its relevant part, mentions the acceptable ways for providing evidence of the legal status of residents in foreign countries who have applied for an emergency adjuster special permit in Puerto Rico, and further providing that the visas for category B1 business visitors or B2 visitors for pleasure are not acceptable for the purpose of working in the jurisdiction of the United States, as provided under Section 41.31 of Title 22 of the Code of Federal Regulations, 22 C.F.R. §41.31 “Temporary Visitors for Business or Pleasure”.

Due to the nature of the immigration issues at hand and the inquires that have arisen regarding the scope of the category B1 business visitor visa by applicants residing in foreign countries for an emergency adjuster special permit in Puerto Rico, we requested that the Department of State of Puerto Rico issue an explanatory statement on the scope and permitted use of the category B1 visa. Our Office having received the statement from the Department of State and taking into account the applicable immigration regulations, it is necessary to clarify that the category B1 business visitor visa is allowed for providing temporary services of an exceptional nature, in the case of residents in foreign countries who are applying for a special emergency adjuster permit in Puerto Rico.

The federal regulation “Temporary Visitors for Business or Pleasure” under 22 C.F.R. §41.31, states that *“an alien of distinguished merit and ability seeking to enter the United States temporarily with the idea of performing temporary services of an exceptional nature*



requiring such merit and ability, but having no contract or other prearranged employment, may be classified as a nonimmigrant temporary visitor for business.” Based on this federal regulation, the Department of State has advised us that the use of a category B1 business visitor visa is acceptable for providing temporary services of an exceptional nature in the jurisdiction of the United States. It is considered that the catastrophic circumstances being experienced in Puerto Rico warrant applying the above cited language in the definition of a business tourist visitor in the case of foreign adjusters that are applying for the emergency adjuster special permit. The language of this regulation also harmonizes with the prerogative vested by the Insurance Code in the Commissioner to address the current exceptional circumstances.

In addition to the requirements of law under which the B1 visa was approved, consideration will be given to whether the applicant that is a resident of a foreign country meets the following criteria: (1) the person has financial ties with a foreign country as an employee of an entity that provides services in that foreign country or any other foreign country, (2) the applicant's entry into the country will be for rendering temporary services of an exceptional nature due to the emergency situation caused by hurricane María, and not to work locally as an employee, and (3) the salary or compensation will be received by the entity that is the employer where the person renders services in the foreign country. The person may not receive any compensation whatsoever in Puerto Rico, other than for reimbursement of expenses related to the temporary stay.

This letter constitutes our clarification and statement on the scope of the category B1 business visitor visa to render temporary services of an exceptional nature in the jurisdiction of the United States, by applicants who are residents in foreign countries for the emergency adjuster special permit in Puerto Rico, as established in Circular Letter No. CC-2017-1916-D.

Very truly yours,

Javier Rivera-Ríos, LUTCF
Commissioner of Insurance