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What you need to know when sending your employees to work in the US

Will your employees be exploring the market, negotiating contracts, setting up subsidiaries or engaging in other activities? Do they hope to turn their temporary work visa into a green card? Depending on your company's strategy and employees' activities, a different visa will be called for.

As Dirk Michels, an international attorney with the renowned law firm Hillyer & Irwin, explains, "it's important to know that you cannot send someone to the US to work without having an appropriate visa." What does work mean according to US law? It means that your employee works in the US and is paid by a US source. As long as your employee is not paid by a US source, he can come over on a visa waiver for 90 days or on B1-visa (Business Visa) for 180 days. During this time he is free to engage in all business activities, including all the preparation work for starting a company in the US.

If your employee will stay longer in the US for work, there are three visa options: L1-Visa (Intercompany Transfer Visa), E2-Visa (Treaty Investor Visa), and H1B-Visa (Temporary Professional Work Visa). See diagram below for details.

Choosing the right visa for doing business in the US

	L1-Visa Intercompany Transfer Visa	E2-Visa Treaty Investor Visa	H1B-Visa Temporary Professional Work Visa
For Whom	<ul style="list-style-type: none"> Key employees (managers or company experts) transferring from foreign company 	<ul style="list-style-type: none"> People overseeing investment 	<ul style="list-style-type: none"> Applicants with at least college degree or equivalent work experience
Requirements	<ul style="list-style-type: none"> US company is subsidiary or affiliate Key employees employed at least 1 year within the last 3 years by foreign company 	<ul style="list-style-type: none"> Foreign share in US company min. 51% "Substantial" investment, at least \$60,000 Proven continued income in foreign country 	<ul style="list-style-type: none"> Job offer by US employer, paying market salary Annual quantity of visas issued limited
Duration	<ul style="list-style-type: none"> 1 year, extension to 7 years for managers, 5 years for experts 	<ul style="list-style-type: none"> 1 year, unlimited extension as long as foreign investment is above 50% 	<ul style="list-style-type: none"> 1 year, extension to 3 years
Green Card Conversion	<ul style="list-style-type: none"> Transfer into green card fairly easy, takes 1 year 	<ul style="list-style-type: none"> Cannot be transferred into green card 	<ul style="list-style-type: none"> Transfer subject to company sponsorship, takes up to 3 years

"Keep in mind," seconds Dirk "that the visa question should form part of your company's overall strategy for the legal structure of your business in the US." For example, if you intend on sending an executive over on a L1-Visa, but the US corporation is not an affiliate or subsidiary of your domestic company, the executive will not be able to obtain an L1-Visa. Thus, recommends Dirk tongue-in-cheek, "hire a knowledgeable attorney early on to avoid costly mistakes later."

Internationalization strategies for European Internet companies

American firms dominate the Internet. So how can European Internet companies beat them in their home turf? Karsten Weide, who built up Yahoo Germany and has worked both in the US and Europe offers his advice:

1. **Be local, local and local**
2. **Launch your business early and decisively.**

Despite the web's global reach, most web sites cater mainly to local audiences. This means that to be successful, you need a local web site run by locals for locals. "Thus, hire Americans to run your American web site," Karsten ads, "and only come to the US if you're ahead of most competitors because this market is more mature and moves faster than Europe's." For example, Yahoo and Altavista, were the first search engines to target the German market and they hired Germans to build up the business there. Today Yahoo and Altavista combined reach 92% of German Internet users. By comparison, Lycos and Excite, who were late to Germany reach only 21% and 13% of German Internet users, respectively.

Top 5 search engines in the US and Germany 1999 (% share of total users)

US	% share of users
1. Yahoo	25%
2. Go.com	15%
3. Excite	11%
4. Lycos	10%
5. Altavista	7%

Germany	% share of users
1. Yahoo	56%
2. Altavista	36%
3. Fireball.de	30%
4. Web.de	23%
5. Lycos	10%

Source: Media Metrix, GfK