

NAR Issue Summary

Business / Immigration and Visa Programs

NAR Committee:

Business Issues Policy Committee

What is the fundamental issue?

U.S. visa regulations spell out the rules governing travel and length of stays allowed to non-resident foreign nationals. Foreign nationals traveling to the U.S. for business (B-1) or pleasure (B-2) may stay for 6 months or up to 1 year if extensions are justified.

I am a real estate professional. What does this mean for my business?

Visa length of stay rules are a consideration for foreign nationals who may be considering purchasing a vacation home in the United States. Too strict rules have the potential to negatively impact second home markets and those areas with resort and retirement communities.

NAR Policy:

NAR policy support the right of foreign investors to acquire US. real property and opposes laws and regulations that in any way hinder those rights. The current INS rules recognize homeownership as a legitimate reason to be granted the maximum time for visitation as well as a reason for an extended visit. NAR believes these rules should be maintained.

Opposition Arguments:

N/A.

Legislative/Regulatory Status/Outlook

Given the potential impact that detrimental changes to US business and tourism visa rules could have for those real estate markets that have a significant second home/resort component, NAR has long followed proposed changes to the visa rules.

The most recent instance of potentially detrimental proposed changes occurred in 2003. At that time, in an effort to enhance homeland security and control entry to the U.S., the Immigration and Naturalization Service (INS) proposed changes to the longstanding business and tourism visa rules. The proposal would have eliminated the minimum stay of 6 months and replaced it with a length of time that was determined "fair and reasonable to complete the purpose of the visit." When the



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time needed cannot be determined, INS proposed a 30-day period of admission. In addition, the proposed rules would have reduced the maximum time from 1 year to 6 months.

The INS received a significant amount of opposition to this proposal from the travel, real estate and small business industries, including input from NAR. In total, over 11,000 comment letters were submitted in response to this proposal. In late February, 2004 the Department of Justice formally withdrew this proposal. The responsibility for oversight of visa system was shortly thereafter transferred to the new Department of Homeland Security. To this day, NAR continues to monitor any activity in this area.

NOTE TO READERS: As the result of NAR's interest in a growing number of visa related issues, in 2011 the immigration issue summary category was reevaluated. Post June 2011, the category was replaced with a series of three new issue summary categories. These include papers devoted to (1) tourism and retirement visa issues, (2) seasonal worker visa issues, and (3) investor visa issues. For updates following June of 2011, please consult the particular visa issue summary for updates.

Current Legislation/Regulation (bill number or regulation)

No actions at this time.

