



October 5, 2009

Via Email and Regular Mail

Mr. Marco Dalla Bona
Cimolai USA, LLC
405 South Industrial Blvd.
Dallas, Texas 75207

RE: B-1 visas for Iron Welders for Performance of Margaret Hunt Hill Bridge

Dear Mr. Dalla Bona:

The B-1 visas issued to the iron welders and installers for the performance of the Williams Brothers Construction Co., Inc. agreements are in full accordance with the federal regulations and the Foreign Affairs Manual.

The Foreign Affairs Manual clearly states that an individual can enter the United States under the B-1 visa category to install equipment purchased from a company outside the United States. Furthermore, the contract must specifically require the seller to provide such services or training and the visa applicant must possess specialized knowledge essential to the seller's contractual obligation and must not receive remuneration from a U.S. source. (9 FAM 41.31 N10.1 "Commercial and Industrial Workers")

In the present case, Cimolai S.p.A., an Italian company sold and shipped to Williams Brothers Construction Co., a U.S. company specialized pre-fabricated steel sections for the installation of the Margaret Hunt Hill Bridge. Cimolai S.p.A., Italy assigned the installation obligation portion of the original contract to its wholly owned subsidiary Cimolai, USA LLC. Under this contract Cimolai USA, LLC, will be responsible for all labor, equipment, supervision, materials etc. for the installation and erection of the steel for the Margaret Hunt Hill Bridge. The installation contract does not require construction or building to be performed in the United States.

Second, only highly trained individuals screened for this project possess the specialized knowledge of Cimolai S.p.A. distinctive on-site installation technique including preparation, unique welding procedures, assembly and appropriate lifting. The individuals are trained to work as a team from start to finish. More specifically, due to the difficulty of this project and time-line for completion, it is very important that the employees collaborate with each other as a team in order to reach the specific goals. The manner in which Cimolai S.p.A. manufactures the bridge



components in Italy allows massive sections to be pre-fabricated which in turn increases the quality and optimizes the time of installation on the site. The technology utilized is uncommon and not usually used in the State of Texas.

Furthermore, Cimolai S.p.A. by and through its wholly owned subsidiary Cimolai USA LLC has been contractually required to provide the installation on the site and for the above-referenced reasons was necessary to utilize only individuals trained in the Cimolai S.p.A. facilities in Italy. Therefore, there is no possibility of displacement of U.S. workers.

Third, the B-1 visa holders have not been remunerated in the United States but rather abroad pursuant to the regulations.

Today, US consulates and ports of entry have become increasingly critical and skeptical of applicants seeking B-1 visas and or entry under this category and review the information submitted in detail to confirm eligibility. They must balance two competing mandates when reviewing visa applications (1) facilitating U.S. policy objectives, which include the promotion of international travel and the free movement of all individuals to the United States for cultural, social and most importantly economic purposes and (2) serving as the preliminary gatekeeper to the United States by screening all applicants for eligibility with consideration for the general presumption that all applicants are intending immigrants not mere visitors. As well as the rationale that the B-1 visitor classification should protect the U.S. labor force from "business visitors" who actually perform work in the United States. So, in balancing all of these concerns consular agents will make their determination.

First, all B-1 visa applicants must apply for their visa at the United States Consulate or Embassy (The US Department of State) individually. Each applicant is required to meet the stringent requirements set forth for the B-1 visa and the permitted activities. In the present case, the B-1 applications were supported with evidence proving eligibility including but not limited to the subcontractor agreements with Williams Brothers Co., Inc. This evidence fully disclosed in detail to the United States Department of State the services to be performed by the specialized iron welders and installers under the contracts. Accordingly, upon review of the B-1 visa applications, the US Consulate in Milan, Italy duly approved the visas.

Even after the B-1 is approved, the B-1 visa holders are screened by Customs and Border protection at the time of entry into the United States. The US customs officer has the discretion to deny entry if they do not believe the person is coming to perform a B-1 permitted activity.



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In conclusion, the services performed in relation to the Margaret Hunt Hill Bridge subcontract agreement, primarily benefit Cimolai S.p.A., an Italian company in furtherance of international trade between the United States and Italy. Thus, the B-1 classification is clearly the appropriate visa category given the present facts.

Very truly yours,


Beatriz Trillos Balerini, Esq.