

The ABC'S Of Immigration: I Visas for Foreign Media Representatives

by Gregory Siskind

What is an I visa?

An I visa is one of the lesser-known types of nonimmigrant work visas. I visa are for foreign media representatives. While the I visa is not widely known or used (only about 30,000 are issued each year) it is a very useful visa.

How does one qualify for an I visa?

To qualify for an I visa, the person must be coming to the US solely to work for a foreign media outlet, such as newspapers, radio, and television. The visa is also available to those who will work for a US-based subsidiary of the foreign media company, if the foreign company wholly owns the US subsidiary. The category includes not only those who are seen or heard, but those whose work is essential for the functioning of the media, including film crews, editors, and those in similar roles.

I visas are issued only to nationals of countries that have an agreement with the US to issue visas to US media representatives. However, in practice this limitation does not have much effect, as there are agreements between the US and all foreign nations.

How can I tell if an I visa is right for me?

Some specific instances of when an I visa is appropriate are as follows:

- o Representatives of tourist bureaus operated by foreign governments, if the purpose of the bureau is to provide factual information about the foreign country,
- o Representatives of businesses and organizations that distribute technical industrial information,
- o Freelance journalists who are under contract with a foreign organization to produce news or information not intended for entertainment or advertising purposes

I visas are not necessary for foreign media representatives who will be covering the United Nations. Instead, they are generally classified as aliens in transit and do not require a visa to attend UN meetings.

What are the specifications for this visa?

I visa applicants are subject to most of the requirements for other nonimmigrant visas. However, although the I visa is not a dual intent visa, the alien does not have to maintain a foreign residence.

There is no limit on the time a person can spend in the US on an I visa, but the visa is issued in increments of one year only. In order to extend an I visa, an application must be submitted that includes a letter from the employer explaining the activities that are the basis for the requested extension.

What are the options for family members of those on I visas?

Dependents of I visa holders are not given work authorization, although engaging in

employment will not be considered a violation of status.

Can foreign media representatives obtain any other types of visas?

Foreign media representatives are required to have an I visa. However, a new policy will give a Port Director the discretionary authority to allow a foreign journalist to enter the United States in B-1 or Visa Waiver status. If the U.S. Customs and Border Protection (CBP) exercises the discretion, the journalist will be required to have the correct visa classification for any future trips to the U.S. Therefore, if the same problem occurs a second time, the journalist cannot use the B visa.

Why is CBP granting more leeway to foreign journalists who attempt to enter the U.S. with the wrong visa?

The change comes following the recent denial of entry to several journalists who attempted to enter on visitor visas rather than I visas. Some representatives of foreign press, radio, television, or other foreign information media have applied for admission as a nonimmigrant with a B-1 business visa or as a business visitor under the Visa Waiver program. However, under the Immigration and Nationality Act, these foreign media representatives are required to enter the U.S. with an I visa.

The CBP noted that it implemented the discretionary authority in order to not punish the individuals who are not aware of the legal requirements for entering the United States.

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