

9 FAM 41.52 NOTES

*(CT:VISA-1717; 09-29-2011)
(Office of Origin: CA/VO/L/R)*

9 FAM 41.52 N1 DEFINITION OF THE TERM "INFORMATION MEDIA REPRESENTATIVE"

(CT:VISA-1717; 09-29-2011)

- a. An "Information Media Representative" is an alien who:*
- (1) Is a bona fide representative of the foreign press, radio, film, or other foreign information media;*
 - (2) Has a home office in a foreign country, the government of which grants reciprocity for similar privileges to representatives of such a medium having home offices in the United States; and*
 - (3) Who seeks to enter the United States solely to engage in such a vocation.*
- b. An "Information Media Representative" also includes aliens whose activities are essential to the foreign information media function (e.g., media reporters, media film crews, video tape editors, and persons in similar occupations).*
- c. Others associated with such activities, but not directly involved, such as a proofreader, may qualify for another classification, such as under INA 101(a)(15)(P) (8 U.S.C. 1101(a)(15)(P)).*

9 FAM 41.52 N2 FILM/VIDEO WORK

9 FAM 41.52 N2.1 Informational or Educational Film/Video

(CT:VISA-1486; 08-31-2010)

Nonimmigrant aliens may be classified under INA 101(a)(15)(I) (8 U.S.C. 1101(a)(15)(I)) only when engaged in the production or distribution of film and/or video of informational or educational films or video tapes. Those intending to work on entertainment-oriented materials must be classified under INA 101(a)(15)(O) (8 U.S.C. 1101(a)(15)(O)) or INA 101(a)(15)(P) (8

U.S.C. 1101(a)(15)(P)).

9 FAM 41.52 N2.2 Employee of Independent Production Company

(CT:VISA-1365; 10-29-2009)

I classification may be accorded not only to primary employees of foreign information media engaged in filming a news event or documentary, but also to the employees of independent production companies if the employees either:

- (1) Hold a credential issued by a professional journalistic association; or
- (2) If no such credential is available, i.e., the sending country has no credentialing authority or the credentialing authority in the sending country does not offer credentialing to the class of media representatives to which the employees belong, the employees satisfy the definition of "representatives of foreign media" in 9 FAM 41.52 N1.

9 FAM 41.52 N3 EMPLOYEE OF TOURIST BUREAU OR TRADE PROMOTION MISSION

9 FAM 41.52 N3.1 Employee of Foreign Government Tourist Bureau

(TL:VISA-2; 08-30-1987)

Duly accredited representatives of tourist bureaus, controlled, operated, or subsidized in whole or in part by a foreign government, who engage primarily in disseminating factual tourist information about that country are entitled to I classification under INA 101(a)(15)(I).

9 FAM 41.52 N3.2 Member of Foreign Government Trade Promotion Mission

(TL:VISA-2; 08-30-1987)

Since employees or accredited representatives in the United States of trade promotional missions of foreign governments are engaged primarily in commercial and/or economic activities, I classification would not be appropriate. Both groups described in this note might include some foreign government officials. Therefore, consular officers should be guided by the

requirement that aliens qualified for classification under INA 101(a)(15)(A) are to be classified in the A category even though they may also be eligible for another nonimmigrant classification. (See 22 CFR 41.22(b)).

9 FAM 41.52 N4 EMPLOYEE OF ORGANIZATION WHICH DISSEMINATES TECHNICAL INDUSTRIAL INFORMATION

(TL:VISA-2; 08-30-1987)

I classification may be given to employees in the United States offices of organizations which distribute technical industrial information.

9 FAM 41.52 N5 FREE LANCE MEDIA WORKER

(CT:VISA-1365; 10-29-2009)

Aliens holding a credential issued by a professional journalistic organization, if working under contract on a product to be used abroad by an information or cultural media outlet to disseminate information or news not primarily intended for commercial entertainment or advertising, are classifiable under INA 101(a)(15)(I). However, the consular officer should not issue an I visa to any such alien who does not possess a valid contract of employment.

9 FAM 41.52 N6 SPOUSE AND CHILDREN OF I VISA ALIENS

(TL:VISA-2; 08-30-1987)

The spouse and children accompanying or following to join an alien qualified for an I visa may also receive I classification.

9 FAM 41.52 N7 A RESIDENCE ABROAD NOT PREREQUISITE TO I CLASSIFICATION

(TL:VISA-2; 08-30-1987)

There is no requirement in the INA that applicants for I status establish that they have a residence in a foreign country which they have no intention of abandoning.

9 FAM 41.52 N8 CLASSIFICATION OF

CERTAIN ALIEN MEDIA REPRESENTATIVES PROCEEDING TO THE UNITED NATIONS

(CT:VISA-1486; 08-31-2010)

See 22 CFR 41.71 and 9 FAM 41.71 N7.

9 FAM 41.52 N9 ALTERNATIVE CLASSIFICATION AVAILABLE TO CERTAIN ALIENS PROCEEDING TO THE UNITED NATIONS

(CT:VISA-1486; 08-31-2010)

See 9 FAM 41.71 N6.

9 FAM 41.52 N10 FOREIGN GOVERNMENT LIMITATIONS ON EMPLOYMENT OF REPRESENTATIVES OF U.S. INFORMATION MEDIA

(CT:VISA-1486; 08-31-2010)

The Department requests all posts report promptly to the Department any limitations imposed by the foreign government concerned on the employment of representatives of U.S. information media. This information is required on a current basis so that the Department may ensure that the admission of aliens pursuant to INA 101(a)(15)(I) is "upon a basis of reciprocity."