



U.S. Customs and  
Border Protection

MAY 14 2014

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations  
Director, Preclearance Operations (b) (6), (b) (7)(C)

FROM: Acting Executive Director  
Admissibility and Passenger Programs

SUBJECT: Visas: Waiver by Joint Action of Visa and Passport Requirements  
for Members of Armed Forces and Coast Guards of Foreign  
Countries; Changes to 22 C.F.R. § 41.3(e)

On April 08, 2014, the Department of State (DOS) published a Final Rule amending its regulation regarding the waiver by joint action of visa and passport requirements for members of foreign armed forces and coast guards. Specifically, the regulation, as amended, removed the list of countries whose armed forces members are ineligible for such a waiver, and provided that, within specified parameters, the Department of Homeland Security (DHS) and DOS will jointly decide whether to approve waiver of the visa and/or passport requirements. U.S Customs and Border Protection (CBP), Office of Field Operations is the operational component designated by DHS to adjudicate any such waiver requests. The Final Rule became effective on April 08, 2014 upon publication.

22 CFR 41.3, as amended and in relevant part, states:

Under the authority of INA 212(d)(4), the documentary requirements of INA 212(a)(7)(B)(i)(I), (i)(II) may be waived for any alien in whose case the consular officer serving the port or place of embarkation, or the Deputy Assistant Secretary of State for Visa Services or his or her designee, is satisfied after consultation with, and concurrence by, the appropriate immigration officer, that the case falls within any of the following categories:

*(e) Members of armed forces and coast guards of foreign countries; visa and passport waiver.* An alien on active duty in the armed forces or coast guard of a foreign country and a member of a group of such armed forces or coast guard traveling to the United States, on behalf of the alien's government or the United Nations, under arrangements made with the appropriate military authorities of the United States, coordinated within the U.S. Government by those U.S. military authorities, and approved by the Department of State and the Department of Homeland Security for such visit.

If you have any questions concerning this matter, please contact Ms. (b) (6) at (b) (6) or (b) (6)