

May 18, 2004

OFO:IPP:JBK

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS  
DIRECTOR, PRECLEARANCE OPERATIONS

FROM: Assistant Commissioner Jayson P. Ahern /s/  
Office of Field Operations

SUBJECT: Paroles for Information Media Representatives

U.S. Customs and Border Protection (CBP) officers should always remember that CBP's first priorities are to safeguard the country from terrorists and weapons of mass destruction, criminals and others who pose a risk of harm to the United States, and intending immigrants who (b) (7)(E)

(b) (7)(E) With these priorities in mind, CBP officers occasionally encounter aliens who might be eligible for admission as nonimmigrants, except for not having a nonimmigrant visa in the proper classification. In those instances, CBP supervisors may consider (b) (7)(E) under the Immigration and Nationality Act (INA) (See, generally, *Zero Tolerance Policy; Exercise of Discretion*, dated April 30, 2004).

There are occasions where representatives of foreign press, radio, film, or other foreign information media may seek admission to the United States as nonimmigrants with "B-1" business visitor nonimmigrant visas, or as business visitors under the Visa Waiver Program (VWP). The wording of section 101(a)(15)(B) of the INA precludes representatives of foreign information media from entering as "B" nonimmigrants. Instead, they must apply as "I" nonimmigrants. CBP is pursuing a legislative initiative to admit information media representatives as business visitors under certain conditions.

Until that statutory change is realized, a Port Director at the GS-13 level or above should consider a **one-time** parole (section 212(d)(5) of the INA) for an applicant as described above. If a parole is granted, the alien must be advised of the requirement to have a nonimmigrant visa in the correct classification for all future travel as a foreign information media representative. (b) (7)(E)

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Questions about this memorandum should be directed to (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C)

The topic of this memorandum should be covered at daily port musters.

Jayson P. Ahern /s/