



**U.S. Customs and
Border Protection**

FEB 22 2013

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations
Office of Field Operations

Director, Field Operations Academy
(b) (6), (b) (7)(C)

FROM: Executive Director
Admissibility and (b) (6), (b) (7)(C)

SUBJECT: Processing After Lease Service Applicants for Admission

The purpose of this Memorandum is to ensure that U.S. Customs and Border Protection (CBP) personnel are aware that aliens seeking admission into the U.S. to provide services to commercial or industrial equipment, machinery or computer software, that has been leased from an enterprise located outside the United States, should be processed under 8 CFR 214.2(b) as B-1 visitors for temporary business. A temporary visitor for business who is seeking entry into the U.S. to service leased equipment, machinery or computer software should be able to establish the terms of the lease agreement between a foreign entity and a U.S. based entity, including that the lease calls for service during the period of the lease. Aliens who meet the requirements of a B-1 nonimmigrant, including the source of remuneration and the period of admission should be admitted into the U.S. as temporary visitors for business unless there are other grounds of inadmissibility.

As with any applicants for admission for temporary business, those applying for admission in order to provide service pursuant to a lease agreement between a foreign entity and a domestic entity should satisfy a CBP officer that they intend to honor the following terms of admission:

- Establish and maintain employment status with foreign entity
- Maintain a residence in a foreign country that he or she does not intend to abandon
- Maintain his or her principal place of business and his or her place of remuneration in a foreign country
- Entry into the U.S. as a visitor for business is temporary in nature
- Must demonstrate an understanding that the nature of the business does not include ordinary labor for hire.

Moreover, B-1 visitors for business to include installers, trainers, repair and maintenance personnel, and supervisors having specialized knowledge of equipment, machinery or computer software that was leased pursuant to a lease agreement between a foreign entity and a domestic entity should not be viewed as seeking to enter to engage in impermissible domestic labor for hire.

Please ensure that this Memorandum is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b) (6), (b) (7)(C) Director, Enforcement Programs at (b) (6), (b) (7)(C)

Attachment

Weekly Muster

Topic: Processing After Lease Service Applicants for Admission

HQ POC: (b) (6), (b) (7)(C)

Office: Admissibility and Passenger Programs

- Aliens seeking admission into the U.S. to provide services to commercial or industrial equipment, machinery or computer software, that has been leased from an enterprise located outside the United States, should be processed under 8 CFR 214.2(b) as B-1 visitors for temporary business.
- A temporary visitor for business who is seeking entry into the U.S. to service leased equipment, machinery or computer software should be able to establish the terms of the lease agreement between a foreign entity and a U.S. based entity, including that the lease calls for service during the period of the lease.
- Applicants for admission for temporary business to provide service pursuant to a lease agreement between a foreign entity and a domestic entity should satisfy a CBP officer that they intend to honor the following terms of admission:
 - Establish and maintain employment status with foreign entity
 - Maintain a residence in a foreign country that he or she does not intend to abandon
 - Maintain his or her principal place of business and his or her place of remuneration in a foreign country
 - Entry into the U.S. as a visitor for business is temporary in nature
 - Must demonstrate an understanding that the nature of the business does not include ordinary labor for hire.
- B-1 visitors for business to include installers, trainers, repair and maintenance personnel, and supervisors having specialized knowledge of equipment, machinery or computer software that was leased pursuant to a lease agreement between a foreign entity and a domestic entity should not be viewed as seeking to enter to engage in impermissible domestic labor for hire.