

FOREIGN MEDIA REPRESENTATIVES: HOW TO BE AN "I" VISA HOLDER IN THE U.S.

By Michael Phulwani, Esq., David Nachman, Esq. and Ridhima Goyal from the Nachman Phulwani Zimovcak Law Group, P.C. with offices in New Jersey, New York and with affiliated offices in Mumbai, India.

Are you a photographer, writer or individual who works for a foreign media organization? Are you interested in coming to the U.S. to write stories or cover an event or to provide media support to your organization? Well, if so, the Media Visa (I Visa) may be for you.

The nonimmigrant visa for representatives of the foreign media temporary traveling to the U.S. is known as the media (I) visa and is available to those media representatives who need to travel temporarily to the U.S. to engage in their profession while having their home office in a foreign country. The U.S. reciprocates similar procedures and fees under immigration law that relate to the policies of the traveler's home country. There are very specific requirements which must be met by applicants to qualify for the media visa under U.S. immigration law.

To qualify for a media (I) visa, applicants must meet specific requirements and the consular officer will determine their eligibility.

Media visas are for "representatives of the foreign media," including members of the press, radio, film or print industries, whose activities are essential to the foreign media function, such as reporters, film crews, editors and persons in similar occupations, under U.S. immigration laws, traveling to the U.S. to engage in their profession.

The I visa is granted for "D/S" or "duration of status". This means that as long as the individual granted the I visa is in the U.S. and performing the functions as a media representative, they are allowed to remain. Also, since the visa is D/S the visa holder does not accrue unlawful presence as there is no date certain on the I-94 that is provided to them when they enter the U.S.

The qualifying activity that the applicant will engage in must be essentially informational, and generally associated with the news gathering process, reporting on actual current events. Again, the consular officer will determine the validity and eligibility of the activity as qualifying. Examples of qualifying activities include but are not limited to:

- Reporting on sports events.
- Primary employees of foreign information media engaged in filming a news event or documentary.
- Members of the media engaged in the production or distribution of film (but will only qualify for a media visa if the material being filmed will be used to

disseminate information for news. Additionally, the primary source and distribution of funding must be outside the U.S.)

- Journalists working under contract. Persons holding a credential issued by a professional journalistic organization, if working under contract on a product to be used abroad by any information or cultural medium to disseminate information or news not primarily intended for commercial entertainment or advertising. A valid employment contract is required.
- Employees of independent production companies when those employees hold a credential issued by a professional journalistic association.
- Foreign journalists working for an overseas branch office or subsidiary of a U.S. network, newspaper or other media outlet if the journalist is going to the U.S. to report on U.S. events solely for a foreign audience.
- Accredited representative 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, and who are not entitled to A-2 visa classification.
- Technical industrial information. Employees in the U.S. offices of organizations, which distribute technical industrial information.

The Application Process

First, if the applicant is between the ages of 14 and 79, he or she must make an appointment for interview. Persons aged 13 and younger, or 80 and older, generally do not require an interview, unless requested by the U.S. embassy or consulate. Although there is a list of visa wait times for interview appointments and visa processing time for each U.S. Embassy or Consulate worldwide available, there is no guaranteed waiting time for an interview so the earlier an individual begins the application process, the better.

Information on how to schedule an appointment for an interview, pay the application processing fee, and to review specific instructions can be found at the Embassy or Consulate website of application. Note that the application process also involves an ink-free digital scan, usually taken at the interview.

Required Documentation

- Online Nonimmigrant Visa Electronic Application, Form DS-160
- A passport valid for travel to the United States with a validity date at least six months beyond the applicant's intended period of stay in the U.S. (unless country-specific agreements provide exemptions)
- One (1) 2x2 photograph
- Proof of employment
- **Staff Journalist:** A letter from the employer that gives the employee's name, position held within the company, and purpose and length of stay in the U.S.

- Freelance Journalist under contract to a media organization: A copy of the contract with the organization, which shows the employee's name, position held within the company; purpose and length of stay in the U.S. and duration of contract
- **Media Film Crew:** a letter from the employer which gives the following information: name; position held within the company; title and brief description of the program being filmed and period of time required for filming in the U.S.
- Independent Production Company under contract to media organization: a letter from the organization commissioning the work which gives the following information: name, title and brief description of the program being filmed; period of time required for filming in the U.S. and duration of contract.

For more information about coming to the U.S. as a Media Representative or some of the other nonimmigrant work visa classifications, please feel free to contact the immigration lawyers and immigration attorneys at Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. They can be reached by e-mail at 201-670-0006 (x100) or you can e-mail to them at info@visaserve.com.