



U.S. Customs and  
Border Protection

FEB 10 2004

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS  
DIRECTOR, PRECLEARANCE OPERATIONS

FROM: Assistant Commissioner  
Office of Field Operations

SUBJECT: B-1 in Lieu of J-1 Visa For U.S. Government Funded Travel

On January 20, 2004, the Department of State (DOS) issued cable 92 STATE 201252 providing clarification on the issuance of J-1 visas for U.S. Government Funded Travel. The purpose of this memorandum is to share the DOS clarification and request that the same criteria be applied at the ports-of-entry:

1. As U.S. Missions overseas continue to send an increasing number of visitors, including Foreign Service National Employees (FSNs), to the United States on a wide variety of programs, consular officers are reminded that the fact that travel is being funded in whole or in part by a U.S. Government agency does not itself require that the traveler be issued a J-1 exchange visitor visa, nor does it mean that the traveler will be subject to Section 212(e) of the Immigration and Nationality Act (INA).
2. J-1 visas are required for USG-funded travel only if the visitor's principal purpose for traveling to the United States is to participate in an approved exchange visitor program. Other visitors may be issued a B-1 visa, as long as their activities are consistent with B-1 status.
3. If the sponsoring USG agency certifies either that it has no authorized exchange visitors program, or that the activities the visitor will pursue in the United States are unrelated to activities described in that agency's exchange program, a visa other than J, such as B-1, may be appropriate. If necessary, the sponsoring USG agency may certify in writing that no exchange program exists or that the activities are unrelated to any existing program.

Questions may be directed to Cheryl Becker at (202) 927-0157.

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