

– US Customs and Border Protection (CBP) decision on B-1 (OCS) and B wind visas under President Trump's proclamation

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Please be advised that IMCA has just received the following interpretation in relation to visa requirements of crew engaged in offshore continental shelf (OCS) activities in the USA.

CBP has interpreted the Presidential Proclamation of March 14, 2020 as follows:

“It is CBP’s policy determination that aliens applying for admission in the B (visitor) visa classification who are engaged in lightering, OCS activity, wind farm activity, private air/sea crew and other similar crewmember activities fall within the exceptions cited in the proclamation for crew.

Specifically, although such aliens are not non-immigrant crewmembers under INA 101(a)(15)(D), nor are they aliens in transit under INA 101(a)(15)(C), these aliens are still crewmembers under the general definition of crewmember cited in INA 101(a)(10). As such, it is our policy opinion that such crewmembers fit within exceptions cited in Section 2(a)(vii) as “...otherwise traveling to the United States as air or sea crew.”

This determination only impacts whether such aliens fit the exception, designated for crew, when applying for admission at a port of entry. This policy determination is not binding on any other agency or entity. Aliens must still be otherwise admissible and meet all other requirements under the proclamation, or any other laws, rules or regulations as applicable”.

In short, aliens with a B-1 (OCS) or B wind visa, similar to aliens with a C-1/D crew visa, are now clearly exempted from the Proclamation for CBP purposes.

Those member companies affected or likely to be in the scope of this information should nonetheless seek certainty through their normal channels.

Originally issued with the following reference(s): **IMCAM 02/20**.

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