

## **University of Southern Maine Office of International Programs**

### **Payments to International Visitors**

USM welcomes international visitors who join us to engage in a variety of activities including study, teaching and research, lectures, seminars, workshops and consultations. However, under current U.S. immigration law the employment and/or compensation (including honoraria and travel reimbursements) of persons who are **not U.S. citizens** is governed by the **specific immigrant or non-immigrant visa category** held by the individual while they are in the USA. In order to ensure that the University will legally be able to compensate its international visitors, advance planning and notification is necessary. International visitors are required to provide the University with either a U.S. Social Security Number or Individual Taxpayer Identification Number (ITIN) in order to receive payment. Eligibility for these numbers is restricted to those who are employed. Payment will be delayed until a number is issued by the US government, which could take months.

### **Non-immigrant Visas**

**Non-immigrant visas** are given to individuals who intend to be in the U.S.A. for a temporary period of time: as students, temporary workers, participants in international cultural programs, entertainers or athletes, exchange visitors, diplomats or government representatives, investors, religious workers, tourists, or as visitors for short-term business purposes. There are currently more than 40 different types of non-immigrant visas.

**Note for CANADIAN citizens:** Although Canadian citizens do not need to obtain a visa to enter the U.S., they are subject to the same employment and compensation laws as citizens of all other countries.

### **What Questions Should I Ask BEFORE I Finalize an Agreement with a Visitor?**

Prior to finalizing any agreement to pay or reimburse a foreign visitor, the department should determine the following:

**If in the U.S.,** what U.S. visa status does the visitor hold? Request a copy of the personal information and visa page of the passport and the I-94 Departure Record – front and back.

**If outside the U.S.,** in what type of visa category is the visitor planning to enter the U.S. for the proposed activity? Will that visa category permit employment, compensation or honoraria to be paid by the University?

**Does the individual have a US Social Security number or ITIN?**

The University cannot issue payment unless the visitor holds one of these numbers,

and eligibility for them has been more severely restricted recently. So payment could be delayed for a significant period off time pending the issuance of an appropriate number by the US government.

## What to Do Next

As you can see, regulations regarding payment to foreign nationals in the U.S. is complicated and depends upon the type of visa they hold, and the conditions of the particular visa status. Adequate lead time for such visits is three months or more.

Complete the **USM International Visitor's Data Sheet** after obtaining the answers to these questions from the visitor and contact Domenica Cipollone in the USM Office of International Exchange who can advise the visitor on any additional action that may be necessary. [She will do what she can to advise international visitors to arrive in the appropriate immigration visa classification to enable the University to issue payment.](#)

## The B-1 and B-2 Visa Categories

The B-1 and B-2 visa categories represent two very separate and distinct visa types. Each is used to enter the U.S. as a visitor for a short period of time, but for different purposes.

**The B-1** is used to enter the U.S. to engage in such business activities as: negotiating contracts for an overseas employer, consulting with business associates, attending professional conferences, giving lectures, or conducting independent research. The B-1 visa should be used by foreign visitors to enter the U.S. to participate in these types of activities within the University System. The B-1 visa may not be used for employment purposes as immigration law **does not permit** a B-1 visitor to engage in any form of employment in the U.S. including salaried work or services performed on an independent basis.

Recent immigration legislation **permits the holder of a B-1 visa to be paid an honorarium for "usual academic activities" lasting not longer than nine days at a single institution, providing that the services performed are for the benefit of the academic institution. The law further stipulates that a B-1 visitor is not permitted to accept honoraria from more than five institutions within a six month period. Reimbursement for travel and reasonable incidental expenses, such as accommodations and meals are also allowed under the same conditions.**

**In order for the University to pay honoraria or to provide for reimbursement of expenses, the B-1 visitor must present proof of entry into the U.S. in B-1 visa status and to submit receipts for expenses incurred.** The department hosting the visitor should request a **copy** of the visitor's **I-94 entry document** (a small card given to the visitor by the INS officer upon admission to the U.S. -- stapled or placed in the passport) as evidence of visa status. The copy of Form I-94 should be submitted to the Accounts Payable Department along with receipts for expenses.

**The B-2** visa is used to enter the U.S. as a **tourist, permitted only to engage in activities related to tourism such as travel and recreation.** The B-2 visitor is prohibited from engaging in any employment-related activities. However, recent changes to immigration law provides for the payment of honoraria and reimbursement of incidental travel expenses for "usual academic activities" provided that the activity is for the benefit of the academic institution and does not last longer than nine days. The B-2 visitor is permitted to accept honoraria from no more than five institutions within a six month period.

It is recommended that foreign nationals entering the U.S. specifically to participate in short-term academic activities do so in B-1, Visitor for Business visa category in order to avoid fraudulent statements to the INS about the purpose of the visit.

## **WB Visitor for Business and WT visitor for Pleasure**

These two classifications are visa status designations under the Visa Waiver Program. Those whose countries \* have an agreement with the United States whereby the foreign visitor does not need to apply for a visa at an American consulate or embassy may use this category. This category carries the same terms and conditions as the B-1 and B-2 categories but may not be extended or changed from within the United States. The document which verifies that a visitor has entered the USA in WB/WT status is form I-94 and is green in color.

**Please Note: Visitors admitted to the United States, who enters in any of the above categories, who will receive reimbursement of expenses and/or honoraria, may remain at any one institution for a maximum of 9 days and may not have accepted payment of expenses and/or honorarium from more than 5 institutions or organizations in the previous six months.**

\* Andorra, Austria, Australia, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, The Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.