

## **FOREIGN NATIONALS WHO ARE NOT WORK AUTHORIZED**

The purpose of this information is to provide Business Service Centers with information about inviting foreign nationals to Cornell who are not work authorized. The information is based on laws, regulations and interpretations in effect in 2007 and input from ISSO, Risk Management, OHR, Sponsored Program Services and Tax Compliance Office.

Note: This memo does not discuss the provision for paying honoraria. Under Immigration law, Cornell cannot pay an honorarium to these foreign visitors if the visit is longer than 9 business days and this memo is generally addressing longer stays.

**Questions: Helpline: [uco-tax@cornell.edu](mailto:uco-tax@cornell.edu)**

### **GENERAL INFORMATION:**

Cornell faculty invite foreign visitors to Cornell to undertake research, training and collaboration.

Cornell encourages all units to work with ISSO to bring academic visitors on a J-1.

But some visitors are not eligible for a J-1 and some, who are eligible, nevertheless arrive on a B visa or without a visa (if they are from a visa waiver country.)

Foreign nationals in "B" or "waiver" status are not eligible to work in the U.S. and cannot be paid for services.

Foreign visitors often need privileges such as e mail or access to the Cornell library.

Cornell can extend privileges through unpaid, courtesy appointments through OHR:

- If the foreign national qualifies for an academic title, appoint to an unpaid academic title.
- If the foreign national does not qualify for a Cornell academic title, appoint as an unpaid research intern. This OHR title was established for foreign visitors not eligible for academic titles.

### **UNIT RESPONSIBILITIES:**

Send Letter of invitation to visitor identifying business purpose and duration of visit.

- Notify visitor to present this letter to U.S. Immigration at point of entry.
- Inform visitor to maintain the I-94 he/she receives from "Immigration" at the point of entry.

Understand and comply with the WB (waiver for business) requirements:

- visit is limited to 90 days.

**Understand and comply with B-1 (visitor for business) requirements:**

- visit is limited six months.

**Contact ISSO to discuss the limited provisions for an extension for a B-1.**

- There is no extension for WB.

**Understand that the WT and B-2 classifications imply visitor is in US as a tourist.**

- Cornell cannot make any payments, including reimbursed business expenses, to tourists.

**Understand that “Immigration” often stamps the I-94 with both classifications:**

- (i.e. B-1/B-2 or WB/WT). Cornell treats such duplicate classifications as qualifying for B-1 and WB classification.

**Obtain, maintain and submit following as required.**

- Copy of visitors I-94 (Immigration Document stamped WB or B-1 at point of entry.)

**If you are processing a courtesy appointment:**

- obtain signed attestation on “insurance coverage” (see reverse side for sample language);
- provide individual with copy of Cornell’s patent policy so he/she understands that Cornell owns intellectual property developed at Cornell;
- inform your unit’s “space inventory” office of the use of facilities by non paid visitors so any adjustments to “organized research space” are made;
- direct visitor to ISSO’s office for completion of eligibility form for courtesy appointment;
- submit the appointment form and the ISSO Eligibility Form based on your unit level processing procedures for appointments.

**Note: There is no clear definition for “very short term visitors.” In the absence of regulatory definitions, consider using the 9 day rule for honoraria to distinguish very short term visitors from other “longer term visitors.”**

**If the visitor is other than a “very short term visitor” (i.e. will be at Cornell longer than 9 days), consider:**

- processing a courtesy appointment or
- obtaining guidance from Risk Management to address potential insurance risks.

### **BSC RESPONSIBILITIES:**

**Understand that Cornell can pay B-1 and WB visitors reimbursed business expenses.**

**Understand that Cornell generally cannot make any other type of payment to these foreign visitors.**

Contact Disbursement Review and Tax to discuss any other types of payments that might have inadvertently been offered.

Process request for reimbursed business expenses based on Cornell's policies. Include relevant documentation and information:

- Copy of I-94 demonstrating B-1 or WB status.
- Business Purpose: Attach letter of invitation. Note: If there is a courtesy appointment, include that information including the dates of appointment if applicable.
- Receipts for Lodging. (Cornell does not pay for a "room" in a personal residence.)
- Receipts for meals or use of per diem. (Generally, there is a 3 month limit under Cornell's travel policy. Contact Disbursement Review and Tax if you need to discuss possible exception.)
- Receipts for transportation to and from Cornell.

Note: if there are requests to reimburse other expenses not addressed in travel or business expense policy, contact Disbursement Review and Tax to discuss.

#### **TAX REPORTING AND WITHHOLDING:**

There is no tax withholding or reporting on reimbursed business expenses and therefore a US Federal ID number for "tax reporting" is not required.

#### **SAMPLE INSURANCE ATTESTATION:**

I understand that Cornell University cannot provide health insurance to me during my period of visit. I attest that I maintain personal health insurance coverage that would apply in the US and that my coverage would apply to medical benefits of at least \$50,000 per accident or illness and expenses associated with the medical evacuation to home country in the amount of \$10,000.