

Appalachian State University
Office of International Education and Development
PAYMENTS TO SHORT TERM INTERNATIONAL/ NONRESIDENT
ALIEN GUESTS (NRA) OF THE UNIVERSITY

A. BASIC GUIDELINES

1. Department of Homeland Security, Department of State, Internal Revenue Service, NC State Auditor, Social Security Administration, and Appalachian State University Business Affairs Policy regulations frame the following procedure guidelines.
2. Contact with the Office of International Education and Development (OIED) and with ASU's Business Affairs Controller & Payroll offices is essential **prior to** making contractual arrangements and payments to short-term international guests. Please contact the Office of International Programs and ASU Business Affairs straightaway **at the first consideration** given the possibility of an invitation to a short-term international guest.
3. Any Money paid to any NRA individual is both taxable and reportable to the IRS. In some cases, reimbursement for travel can be excluded from gross income and from withholding if the expenses are properly substantiated in the manner required by IRS section 274 accountable-plan rules and Office of State Budget and Management requirements. Those accountable-plan rules are pre-requisite conditions that must be met before contracts can be drawn with Short-Term International / NRA guests to insure correct compensation.
4. There are three basic ways in which OIED and ASU's office of Business Affairs can facilitate bringing short-term NRA guests to ASU, and paying them. Those options provide legitimacy and allow for the particular visa and tax ramifications that affect payment and support of any NRA guest. Those three paths take place under:
 1. US Department of State **“J” Exchange Visitor (EV) Visa program.**
 2. Department of Homeland Security **“B” visitor Visa program.**
 3. Department of Homeland Security **Visa Waiver Program (VWA).**

B. THE THREE PROGRAM OPTIONS

I.) J Visa NRA / EV option.

1. **Do contact** the Office of International Education and Development (OIED) as soon as you wish to initiate an invitation to an international visitor. OIED will take several actions to insure visa, contractual, and insurance compliance to prepare a complete invitation package. Those materials & actions must all take place prior to the arrival of a J visa NRA & include:

- Sending the NRA the J visa DS-2019 ID Information Form from the OIED website: [Visiting Scholar DS 2019 \(J visa form\)](#). This form is sent as a PDF document to the NRA via email. The ID form contains all the information necessary to complete the official DS-2019 J visa application form necessary to apply for a J type visa at any US consulate.
- Upon receipt of the completed DS-2019 ID form from a potential NRA visitor, OIED will electronically register the NRA guest with the Department of Homeland Security in the Student and Exchange Visitor Information System (SEVIS) and issue the registered DS-2019 for the NRA's use in his/her home country when applying for the J visa.
- Insure that appropriate HR contractual action is initiated in close cooperation with the hosting faculty, department, or college. The steps necessary are:
 - Completion of the [International Visiting Scholars form \(pdf\)](#) & its return to OIED for approval.
 - Initiation in the sponsoring department of a dean's recommendation form.
 - Presentation of that form to OIED for signature
 - Delivery of that form to the Dean's office for approval
 - Delivery of that form to Academic Affairs for final approval & preparation of a contract.
- When the contract is approved and issued by Academic Affairs it is sent to OIED. The contract is express mailed along with the DS-2019 visa application document to the NRA. Other documents mailed with the contract and DS-2019 in one package include:
 - The Human Resources Biography sheet
 - The Human Resources Disclosure document to insure Social Security compliance
 - Information regarding US Department of State required health and accident insurance
 - An OIED official letters of invitation to the NRA for use on visa application.

*****The above steps are necessary to prepare *in advance* for any NRA guest visit to the ASU campus who will be paid for their professional services*****

2. **Do not** inform the J visa NRA visitor here for less than two weeks, that payment or reimbursement will occur under the tax treaties between their country and the US while he/she is at Appalachian State University or at an Appalachian sponsored conference/event. Please note that this is of particular importance as payment during an NRA visit of less than two weeks duration is highly unlikely unless:

-
- the individual has previously been issued a United States Social Security Administration number (SSN) which permits payment under current tax treaties
- the individual already has an Individual Taxpayer Identification Number (ITIN) issued by the United States Internal Revenue Service. Note that ASU does not process the ITIN application for NRA
- Payment for NRA visits of less than two weeks is highly unlikely even if the NRA has either the SSN or the ITIN already in their possession. However if the actions outlined below are taken immediately on the arrival of the NRA, in concert with a manual check request, payment may be achieved with the cooperation of Business Affairs and Payroll. Success is entirely dependent upon the time of the month and the workload that those offices face. A payment “emergency” on the part of a sponsoring faculty member, department or college IS NOT necessarily an emergency for Business Affairs who must meet internal, state, and federal auditing requirements. For possible payment follow these guidelines:
 - Visit OIED where the guest must provide their passport and I-94 entrance card for photo copy and scanned email to Payroll whereupon
 - Payroll will issue an account and password for the Foreign National Information System (FNIS) to the NRA
 - FNIS information will then be sent by email to an ASU computer site where the NRA must go to the FNIS account page, enter the FNIS account using the password provided by ASU Payroll officers, and complete the FNIS data questions
 - On completion of the FNIS questions, the NRA should return the completed material from the account forms to Payroll electronically
 - Payroll can then legally use the data to enter payment information into their Windstar software system which determines the country appropriate tax and payment amounts for any ASU check made to the NRA.

3. **Do inform** the J visa NRA that payment for the J visa NRA here for two weeks to two months is most likely. The NRA sponsor must, however, attend to guidelines listed below immediately upon the arrival of the NRA including:

- Visit OIED where the guest must provide their passport and I-94 entrance card for photo copy and scanned email to Payroll whereupon
- Payroll will issue an account and password for the Foreign National Information System (FNIS) to the NRA.
- FNIS information will then be sent by email to an ASU computer site where the NRA must go to the FNIS account page, enter the FNIS account using the password provided by ASU Payroll officers, and complete the FNIS data questions.
- On completion of the FNIS questions, the NRA should return the completed material from the account forms to Payroll electronically
- Payroll can then legally use the data to enter payment information into their Windstar software system which determines the country appropriate tax and payment amounts for any ASU check made to the NRA.

4. **NOTE WELL.** For any J visa NRA here for six weeks or more, who does not have a SSN, attempting to apply for those documents is possible to facilitate payment under tax treaty. However note three caveats as follows:

- It takes about a month to apply for the SSN and receive the card
- Once the card is in hand Business Affairs must submit to the Internal Revenue Service form 8233 that must be registered at IRS headquarters for a period of 10 days. Only then can tax treaties between the NRA's home country and the United States to go into effect. The goal is to maximize any payment to the foreign guest and prevent double taxation.
- However, note that any processing problem with the Social Security administration that delays delivery of the card will disallow payment under existing tax treaties and result in an automatic tax bite of approximately 36% out of the stipend for the NRA.

II.) B Visa Option

1. Do contact the Office of International Education and Development (OIED) as soon as you wish to initiate an invitation to an international. OIED will take several actions to insure visa, take several actions to insure visa, contractual, and insurance compliance to prepare a complete invitation package. Those materials & actions which all take place prior to the arrival of a B visa NRA & include:

- Insure that appropriate HR contractual action is initiated in close cooperation with the hosting faculty, department, or college. The steps necessary are:
 - Completion of the [International Visiting Scholars form \(pdf\)](#) & return to OIED for approval
 - Initiation in the department of a dean's recommendation.
 - Presentation of that form to OIED for signature
 - carrying of that form on to the Dean's office for approval
 - Carrying of that from to Academic Affairs for final approval & preparation of a contract.
 - When the contract is approved and issued by Academic Affairs it is sent to OIED & express mailed to the NRA.

*****The above steps are necessary to prepare *in advance* for any B visa NRA guest visit to the ASU campus paid for their professional services*****

2. Do not inform the B visa NRA visitor guest here for less than two weeks that payment/reimbursement will occur automatically. Understand that tax treaty provisions can not apply for B visa NRA visitors, as they that tax treaty provisions CAN NOT apply for B visa NRA visitors, as they are not eligible to apply for a SSN. Payment is likely however if the following steps are taken immediately upon arrival of the NRA. Those steps include:

- Visit OIED where the guest must provide their passport and I-94 entrance card for photo copy and scanned email to Payroll whereupon
- Payroll will issue an account and password for the Foreign National Information System (FNIS) to the NRA.
- FNIS information will then be sent by email to an ASU computer site where the NRA must go to the FNIS account page, enter the FNIS account using the password provided by ASU Payroll officers, and complete the FNIS data questions.
- On completion of the FNIS questions, the NRA should return the completed material from the account forms to Payroll electronically
- Payroll can then legally use the data to enter payment information into their Windstar software system which determines the country appropriate tax and payment amounts for any ASU check made to the B visa NRA.
- The sponsoring faculty member must collaborate with OIED to present a manual check request to Payroll. For B visa NRA's here for less than a week, payment before they leave is highly unlikely but sometimes possible. Payment

may be achieved with the cooperation of Business Affairs and Payroll but success is entirely dependent upon the time of the month and the workload that those offices face. A payment “emergency” on the part of a sponsoring faculty member, department or college who do not prepare in advance with OIED and Business Affairs IS NOT an emergency for Business Affairs.

*****The above steps taken after a guest arrives may insure payment.**

However, NOTE WELL that B visa visitors face a tax bite of approximately 36 % as tax treaties can not apply***

*****Payments for B visitors who are at ASU for less than five business Days is not guaranteed*****

*****Payments to B visitors who have a SSN from a previous visit can be made under tax treaty provisions. However submission of form 8233 to the IRS is required and delivery of a check may take up to two weeks*****

III.) Visa Waiver Program VWP

1. The Visa Waiver Program (VWP) enables citizens of participating countries to travel to the United States for business for 90 days or less without obtaining a US visa. Those entering business purposes as defined in INA § 101(a)(15)(B) are admitted in WB status. Countries currently participating in the VWP are: Andorra, Australia, Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom

2. **Do contact** the Office of International Education and Development (OIED) as soon as you wish to initiate an invitation to a VWP NRA guest. OIED will give visa notice to Business Affairs and Academic Affairs. To insure that completion of contractual, & payroll process to prepare a complete invitation package the NRA host should take several actions prior to the arrival of a VWP guest. Those include:

- Insure that appropriate HR contractual action is initiated in close cooperation with the hosting faculty, department, or college. The steps necessary are:
 - Complete the [International Visiting Scholars form \(pdf\)](#) & return to OIED for approval
 - Initiate a departmental dean’s recommendation form.
 - Present that form to OIED for signature
 - Carry that form to the Dean’s office for approval
 - Carry that form to Academic Affairs for final approval & preparation of a contract.

- Ask Academic Affairs to insure that when a contract is approved and issued by Academic Affairs that it is sent to OIED to be included in express mail to the NRA.

*****The above steps are necessary to prepare *in advance* for any VWP NRA guest visit to the ASU campus paid for their professional services*****

3. **Do accompany and assist** the VWP guest here for less than a week immediately through the following steps:

- Visit OIED where the VWP NRA guest must provide their passport and I-94 entrance card for photo copy and scanned email to Payroll whereupon
- Payroll will issue an account and password for the Foreign National Information System (FNIS) to the NRA.
- That FNIS information will then be sent by email to an ASU computer site (usually the host's computer account) where the NRA must go to the FNIS account page, enter the FNIS account using the password provided by ASU Payroll officers, and complete the FNIS data questions.
- On completion of the FNIS questions, the NRA should return the completed material from the account forms to Payroll electronically
- Payroll can then legally use the data to enter payment information into their Windstar software system that determines the country-appropriate tax and payment amounts for any ASU check made to the VWP NRA.
- The sponsoring faculty or departmental host must collaborate with OIED to present a manual check request to Payroll. For B visa NRA's here for less than a week, payment before they leave is highly unlikely but sometimes possible. Payment may be achieved with the cooperation of Business Affairs and Payroll but success is entirely dependent upon the time of the month and the workload that those offices face. A payment "emergency" on the part of a sponsoring faculty member, department or college IS NOT necessarily an emergency for Business Affairs.

*****The above steps taken after a VWP NTA guest arrives will insure eventual payment.**

However, NOTE WELL that WP visa visitors face a tax bite determined upon whether or not they hold a SSN. If they do not, a tax bite of approximately 36 % will apply ***

*****Payments for WP NRA visitors without a SSN who are at ASU for less than five business Days is not guaranteed but usually possible*****