

## Guide to Payment of Honoraria and Travel Reimbursements To Non-Resident Aliens (NRAs) or Foreign Nationals

### The Role of the Department Administrator

- At the beginning of the academic year or quarter, get a copy of your department's list of guest speakers from your chair, director, or the person organizing your colloquium /lecture/workshop series.
- Identify the foreign national guest speakers in advance of their arrival.
- Work with your faculty to determine the type of visa the guest speaker will have.
- Assemble the paperwork necessary for that type of visa.
- If you know in advance that your guest speaker will be entering the U.S. on a B visa or on a Waiver, get in touch with them and advise them to declare B1 or WB when passing through U.S. Customs.
- To avoid federal withholding on your guest speaker's honorarium, have your guest speaker fill out the forms listed below and obtain photocopies of other necessary documentation as soon as they arrive. Ask the Business Office to confirm eligibility of treaty benefits and obtain the 8233 treaty form for signature.

### Most Common Types of Visas

Most guest speakers at OU hold either a B Visa, or have Waiver Status.

- ***The B Visa*** is a visa that can be obtained by the foreign national from the U.S. Consulate in their home country. It is usually good for a number of years and can be used repeatedly to enter the U.S. for short periods of time (generally less than six months). The B Visa will be either B1 (business status) or B2 (tourist status), ***depending on which type your guest speaker declares when he/she comes through US Customs.***

If your guest speaker declares B1 (business), they can be paid an honorarium and be reimbursed for travel expenses. If your guest speaker declares B2 (tourist), they can be paid an honorarium but **CANNOT** be reimbursed for travel expenses. **For ease of payment, guest speakers should be encouraged to declare business status.**

#### Documentation for Paying Honoraria to B Visa Holders

- Foreign National Information Form (FNIF), with original signature
- Foreign Visitors Honoraria Eligibility Certification Form, with original signature
- Certification of Academic Activity Form, with original signature
- Photocopy of main page of passport
- Photocopy of I-94 Departure Card (located in passport)
- Photocopy of visa (located in passport)
- Photocopy of Social Security or ITIN Card (optional for payment; mandatory for treaty benefits)
- The 8233 Treaty Form, with original signatures, obtained from the Business Office if they have determined that treaty benefits apply **AND** you have a photocopy of the Social Security or ITIN Card
- Letter of Invitation (must follow invitation letter template documenting date and location of event, etc.)

#### Documentation for Paying Travel Expenses to B Visa Holders

- Photocopy of main page of passport
- Photocopy of I-94 Departure Card (located in passport) with B1 status indicated
- Photocopy of visa (located in Passport)
- Foreign National Information Form (FNIF), with original signature

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- ***The Waiver program*** is available only to citizens of Andorra, Austria, Australia, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, San Marino, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. Under this program, foreign nationals may enter the U.S. for a maximum of 90 days without a visa as long as they have a nonrefundable round trip ticket. The Waiver will be either WB (business status) or WT (tourist status), ***depending on which type your guest speaker declares when he/she comes through U.S. Customs.***

If your guest speaker declares WB (business), they can be paid an honorarium and reimbursed for travel expenses. If your guest speaker declares WT (tourist), they can be paid an honorarium but **CAN NOT** be reimbursed for travel expenses. **Again, to make payment simpler, business status is best.**

### **Documentation for Paying Honoraria to Guests with Waiver Status**

- Foreign National Information Form (FNIF), with original signature
- Foreign Visitors Honoraria Eligibility Certification Form, with original signature
- Certification of Academic Activity Form, with original signature
- Photocopy of main page of passport
- Photocopy of I-94 Departure Card (located in passport)
- Photocopy of Social Security or ITIN Card (optional for payment; mandatory for treaty benefits)
- The 8233 Treaty Form, with original signatures, obtained from the Business Office if they have determined that treaty benefits apply **AND** you have a photocopy of the Social Security or ITIN Card
- Letter of Invitation (must follow invitation letter template documenting date and location of event, etc.)

### **Documentation for Paying Travel Expenses to Guests with Waiver Status**

- Photocopy of main page of passport
  - Photocopy of I-94 Departure Card (located in passport) with WB status indicated
  - Foreign National Information Form (FNIF), with original signature
- ***Canadians.*** Canadians are not required by law to present a passport or visa when entering the U.S. However, if they will be paid or reimbursed by OU, the Business Office requires a passport. The Business Office, ideally, would also like a photocopy of the I-94 Departure Card, but it is unlikely that your guest will have one because getting one involves requesting the card at U.S. Customs, at a cost of \$6.00 to the guest.

### **Documentation for Paying Honoraria to Canadians**

- Foreign National Information Form (FNIF), with original signature
- Foreign Visitors Honoraria Eligibility Certification Form, with original signature
- Photocopy of main page of passport
- Photocopy of I-94 Departure Card (located in passport), if available
- Photocopy of Social Security or ITIN Card (optional for payment; mandatory for treaty benefits)
- The 8233 Treaty Form, with original signatures, obtained from the Business Office if they have determined that treaty benefits apply **AND** you have a photocopy of the Social Security or ITIN Card
- Poster documenting date and location of lecture

### **Documentation for Paying Travel Expenses to Canadians**

- Photocopy of main page of passport
  - Photocopy of I-94 Departure Card (located in passport), if available
  - Foreign National Information Form (FNIF), with original signature
- **OU CANNOT** pay honoraria to holders of O, F1, and H1-B visas issued through other U.S. institutions. In these cases, it may be necessary to arrange to pay your guest speaker's home institution so that they can in

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turn pay your guest speaker. The Business Office reviews travel reimbursement requests for holders of these types of visas on a case by case basis.

### Forms

- All federal forms must have original signatures. The Business Office **WILL NOT** accept faxed federal forms.
- Under no circumstances should a foreign national fill out and sign a W-9 form. This form is intended for U.S. Citizens and Permanent Residents **ONLY**.

### Social Security and Individual Taxpayer Identification Number (ITIN) Cards

Many B visa and Waiver holders already have a Social Security or ITIN card obtained during a previous visit. B visa and Waiver holders are not eligible to apply for a Social Security card but may apply for an ITIN card.

### Treaty Benefits and Withholding

Many countries have treaties with the U.S. that allow their citizens to claim exemption from federal withholding on payments made to them by U.S. institutions. If treaty benefits apply and all the paperwork is in order, honorarium payments will not be withheld. If there is no treaty or if the paperwork is not in order, OU will withhold 30% of the honorarium payment and it will be necessary for your guest speaker to file a U.S. tax return at the end of the year to reclaim the amount withheld. For example, if the honorarium is \$500 and there is no treaty or inadequate paperwork, the guest speaker will receive a check for \$350 and the rest will go to the IRS. *If payments to individuals exceed \$1,500 within the calendar year, 7% California withholding tax will be deducted from the payment.*

To avoid withholding on honorarium payments the following is necessary:

- A treaty between the U.S. and the guest speaker's home country allowing for exemption from federal withholding. Please note that sometimes the guest speaker's prior earnings history in the U.S. may make them ineligible for treaty benefits. Each case is different and only the Business Office, after looking over the paperwork provided, can make a decision as to whether or not your guest speaker is eligible.
- A photocopy of a U.S. Social Security Card for J1 visa holders or a photocopy of either a Social Security card or an ITIN card for B visa and Waiver holders. If the guest speaker is entitled to treaty benefits, but cannot produce a Social Security or ITIN Card, OU will withhold 30%.
- Completion of the 8233 treaty form, with original signatures

### If the speaker has no SSN/ITIN, there are two routes we can take:

1. 30% tax will be deducted from the honorarium payment
2. The guest speakers can apply for an ITIN from the IRS (time consuming).

Since the 8233 treaty form is produced by the Business Office, gathering all of the forms and documentation required for treaty benefits can be difficult. It is unlikely that you will be able to obtain all the necessary forms and documentation in time to go to the Business Office, obtain approval for treaty benefits, and bring back the treaty forms **WHILE** your guest speaker is still on campus. If you get the treaty forms after your guest speaker leaves, hold on to the other paperwork while you fax or mail the treaty forms to your guest speaker. Remember that the treaty forms must be returned to you by mail with original signatures. Once you have all of the paperwork in hand, submit everything you have to the Business Office for payment. This may delay getting an honorarium check to your guest speaker, but has the advantage of allowing them to receive their full honorarium payment.