

VISITOR VISAS

This information sheet describes the B-1 (international visitor visa for business) and B-2 (international visitor visa for pleasure) visas. For visitors from countries listed on the *Visa Waiver Program (VWP)*, the WB is used in lieu of the B-1 and the WT is used in lieu of the B-2. The business and pleasure visa designations sometimes appear linked as in "B-1/B-2" or "WB/WT". B-1 & B-2 visa holders and WT & WB status holders are referred to as "visitors".

VISA WAIVER PROGRAM

The Visa Waiver Program (VWP) allows citizens of the countries listed below to travel to the U.S. for business or pleasure for 90 or fewer days without obtaining a B-1/B-2 visa stamp. The person must be a citizen or national (not just a resident) of the country, must possess a round trip ticket, and have a valid passport that complies with machine readable and biometric requirements. Visitors seeking to come to the U.S. via the VWP with questions about the passport or other requirements should review the website below and/or contact their nearest U.S. embassy/consulate.

http://travel.state.gov/visa/temp/without/without_1990.html

As of January 2007, the Visa Waiver countries are: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

VISITORS FOR ACADEMIC PURPOSES

It is not uncommon for the B-1/B-2 or WB/WT to be used for certain academic activities, including the following:

- Visitors consulting with business associates
- Visitors participating in scientific, educational, professional or business conventions, conferences, or seminars
- Visitors conducting independent research

Vanderbilt departments should confer with *International Student and Scholar Services (ISSS)* and the *International Tax Office (ITO)* to ensure that the B-1/B-2 or WB/WT is most appropriate for the visitor's planned activity. Further, ISSS and ITO involvement ensures proper compliance with immigration and tax regulations for the University.

VISITORS & PAYMENTS

Visitors who receive payments may be subject to tax reporting and/or withholding requirements. "**Payments**" include honorarium and travel expenses as well as reimbursements, per diems, or payments to third parties on behalf of the visitor. The International Tax Office uses the Glacier software system to determine the visitor's tax status in accordance with IRS regulations. Taxes will be withheld on all payments at a 30% tax rate, unless the payment is excludable or exempt under IRS regulations, subject to a reduced rate, or treaty benefits apply.

With regard to honoraria, the B-1, B-2, WB, and W-T have specific restrictions. Visitors receiving honoraria may only be engaged in the academic activity for **nine or fewer business days**. Further, the visitor may not have received honorarium payments from more than five academic institutions, during the previous six months.

To process a payment, the visitor may need to apply for an *International Tax Identification Number (ITIN)*, if they do not already have an ITIN or a previously-issued *Social Security number (SSN)*. Visitors are not eligible to apply for a SSN while in B-1, B-2, WB, and W-T visa status.

For more details, payment related questions, or to set up a Glacier record, contact *ITO*.

VISITORS & EMPLOYMENT

Activities normally considered as employment are not permitted under the B1/B2 or WB/WT categories. Please contact *ISSS* or the *Office of International Services (OIS)* if the person is coming for employment related purposes. Additionally, departments should review *Vanderbilt's policies regarding volunteering*, prior to inviting a visitor.

Considerations indicating that the visitor **may** need a Vanderbilt-sponsored visa status (please contact ISSS or OIS for guidance):

- If the prospective visitor will receive an official appointment letter
- If an I-9 needs to be completed
- If the prospective visitor will be at Vanderbilt for more than 9 days and a payment is planned.
- If the prospective visitor will receive payment other than an honorarium, per diem, or exact reimbursement of travel expenses (flight, hotel, transportation, and meals only)

Note: If the visitor will not perform a service for Vanderbilt, but will have a full or partial reimbursement of expenses, there may still be tax implications. These include conference attendees who do not speak or make a planned presentation, but who will be reimbursed for travel to the conference.

VISITORS & STUDY

B-1, B-2, WB and WT visitors are prohibited from enrolling in a “course of study” or any kind of study that would earn credit or certification. They must obtain an immigration status allowing for study or a *student visa* in order to enroll in classes, earn credit hours, certification, or for other types of academic experiences. Contact *ISSS* for questions or clarification.

Casual, short term classes (e.g., a yoga or an English conversation class) are generally not considered a “course of study”. The determining factor is the primary purpose of the visitor’s stay in the U.S. For example, a person who is coming to the U.S. for a month on vacation may take a weeklong cooking class within that timeframe while in B-2/WB status. However, if the main purpose of the visit is enrollment in a course of study, the *student visa* is needed.

PROSPECTIVE STUDENTS, EXCHANGE VISITORS, FACULTY, OR STAFF

If the B-1/B-2 or WB/WT visitor is a prospective student or prospective Exchange Visitor who is coming to the U.S. to visit campuses or meet with University officials, they should ask the consular officer or port of entry officer for this to be annotated on their visa stamp or I-94 card. This facilitates (but does not guarantee) a change to *F-1 or J-1 student* or *J-1 scholar/professor/specialist* status within the United States.

If a visitor is a prospective faculty or staff member who is being invited to interview, it is important that he or she request B-1 or WB “business” visitor status as this status permits visits with the intent to obtain employment in the United States. (This is in contrast to the B-2/WT “tourist” categories that imply travel for pleasure.) If offered a job, the prospective employee will be required to leave the U.S. and reenter with an authorized work visa (i.e.: H, TN, O, or E).

J-1 SHORT-TERM SCHOLAR

If the visitor’s visa is deemed inappropriate for the proposed activity, the *J-1 short term scholar visa* may be an appropriate alternative. Short-term scholars are professors, scholars, and professionals, who lecture, observe, consult, demonstrate special skills, and/or participate in conferences, workshops, seminars, or other events. They may also pursue these types of activities at other institutions with *written ISSS approval* in advance. The maximum duration of short term scholar program is six months. J-1 Short Term Scholars are not restricted in terms of the funding, but their payments may be subject to tax withholding. To process the DS-2019 documentation needed for a J-1 Short Term Scholar visa, please complete the *Exchange Visitor Application*. Additional information is on the *ISSS website*.

SUGGESTED STEPS FOR INVITING AN INTERNATIONAL VISITOR

1. Contact ISSS about the proposed activity of the visitor to confirm whether the B/WB status is appropriate. Additionally, contact ITO if any requests for payment or reimbursement will be involved.
2. If the B category is determined to be appropriate, send a letter to the visitor, which indicates the purpose of the visit, length of stay at Vanderbilt, and any fiscal arrangements (including travel expenses, per diems and/or honoraria). This letter will assist the visitor when applying for the visa stamp and/or upon entry to the U.S. (Please note: the department should encourage the visitor to obtain health insurance coverage for their stay in the U.S.)
3. The visitor applies for the B-1/B-2 visa at the nearest *U.S. embassy/consulate* (if s/he is not from a country eligible for the Visa Waiver Program).
4. The department emails ITO the name, email address, and payment information (honorarium, expense reimbursement, etc.), and the type of service to be provided in order for a Glacier record set up when necessary. (Some expense reimbursements have no tax or reporting consequences so Glacier set up is not necessary). The email address is nratax@vanderbilt.edu.
5. While the visitor is present in the U.S., the department copies the visitor’s passport, I-94 card (front and back), and B-1/B-2 visa stamp. The department sends these copies to ITO with the payment or check request or remainder of Glacier forms. Alternatively, the visitor may meet with the ITO staff in person.
6. For reimbursements, the department collects receipts and submits with check request for visitor to receive reimbursement of expenses.

VISITORS WHO ARE ALREADY IN THE UNITED STATES

If you are extending an invitation to an international visitor who is already in the U.S. in a particular visa status other than B-1, B-2, WB or WT, it is important to contact the appropriate department in order to determine if the proposed activity at Vanderbilt will be permitted by the federal government with the visitor’s current status or if alternative arrangements should be made. Contact *ISSS* regarding J or F visas or the **Office of International Services (OIS)** regarding the H, TN, O, or E work visas and Permanent Residents. Also, contact the **International Tax Office** in advance of the visit, if any payment, honoraria or reimbursement is planned.

CONTACT INFORMATION

ISSS - International Student & Scholar Services www.vanderbilt.edu/issv 615-322-2753 issv@vanderbilt.edu

Contact for information about Visitor Visas, Visa Waiver Program; acceptable activities for F-1, F-2, J-1, and J-2 visa holders, questions about this sheet.

ITO - International Tax Office <http://hr.vanderbilt.edu/hrdepts/VanderbiltUniversityHumanResourcesIntTax.htm> 615-343-7102 nratax@vanderbilt.edu

Contact for information about payments to any visitors, Glacier software, tax withholding, and Individual Tax Identification Number (ITIN).

OIS - Office of International Services www.vanderbilt.edu/ois 615-343-7467 oiv@vanderbilt.edu

Contact for information about acceptable activities for H, TN, O, or E work visas holders and dependents and Permanent Residents.

VIO - Vanderbilt International Office www.vanderbilt.edu/international 615-322-3444 vio@vanderbilt.edu

Contact for assistance with visiting delegations, housing, and for additional resources.