

Hosting Department Agreement for Visiting International Scholars Without UNC Visa Sponsorship

Overview

University of Northern Colorado welcomes international scholars and students through special exchange programs with international partner institutions and on general programs involving research and teaching activities.

When determining visa requirements, it's crucial to consider the nature of the activities in the U.S., not just the visit's duration or visitor preference. Proposed visitors should not choose their visa category simply because it seems "easier" to enter as a Business Visitor/Tourist rather than applying for a more suitable visa type. **Office of Global Engagement (OGE) and/or the Office of Human Resources reserves the authority to determine if a proposed visa category is appropriate for a proposed visiting scholar.** This approach ensures compliance with U.S. immigration regulations.

Scholars may come for a range of time periods and through a variety of visa statuses, however in most cases, scholars come to UNC as part of the J-1 Exchange Program for which UNC maintains an active U.S. Department of State designation. Short term or scholars not accessing any university resources (beyond those available to the general community) may come under the B or Visa Waiver program. Neither the J Exchange Program nor the varieties of visitor visa or visa waiver are appropriate for tenure track positions. B/WVP/ESTA visitors are not eligible for *any* paid employment.

This agreement pertains primarily to scholars coming in the B/WVP/ESTA visitor category, but it also contains important considerations for Host Departments that apply to all categories.

B/WVP/ESTA Classification and Eligibility

The B nonimmigrant "visa" category, is for "(B) an alien...having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;" and business is further defined "(1) The term "business," as used in INA 101(a)(15)(B), refers to conventions, conferences, consultations and other legitimate activities of a commercial or professional nature. It does not include local employment or labor for hire...An alien seeking to enter as a nonimmigrant for employment or labor pursuant to a contract or other prearrangement is required to qualify under the provisions of [temporary worker and trainee classifications]," pleasure is further defined as "(2) (i) The term pleasure, as used in INA 101(a)(15)(B), refers to legitimate activities of a recreational character, including tourism, amusement, visits with friends or relatives, rest, medical treatment, and activities of a fraternal, social, or service nature[.]"

Citizens of certain countries are eligible to enter the United States for a limited period of time as either business visitors (WB-Waiver Business) or tourists (WT - Waiver Tourism) through the U.S. Visa Waiver Program (VWP) without obtaining a visa. The eligibility criteria for admission are

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identical to those seeking admission based on a B-1/B-2 visa for qualified applicants. Visitors using the Visa Waiver Program must register through U.S. Customs and Border Protection's Electronic System for Travel Authorization (ESTA) website. Travelers using the visa waiver program are currently limited to stays of 9 days or less.

Compliance with U.S. immigration regulations requires that the nature of the activities in the United States be considered and not simply the duration of the proposed visit.

Those admitted to the U.S. as B-1 or B-2 or through the Visa Waiver Program are not eligible for campus employment under any circumstances.

The decision regarding visa type should not be made by the proposed visitor, even though they consider it "easier" to enter as a Business Visitor/Tourist rather than apply for another type of visa.

Timing

Please **allow a minimum of two weeks**, exclusive of campus closures, between OGE's receipt of the completed application from the scholar (including the application fee) and your visitor's program start date. While the OGE admission process usually takes a week or less to approve and update Banner, visitors need time to schedule their visa interviews, when necessary, and for the U.S. Consulate abroad to issue the visa stamp. Campus services cannot begin to make accommodations for visitors until a visiting scholar is "admitted."

Visiting Scholar Information

Scholar Name: _____ Home Country: _____

Home Institution: _____

Anticipated visitation dates. From: _____ To: _____

To the best of your knowledge, has this Visiting Scholar been at UNC previously? ☐ Yes ☐ No. If YES, when?

_____ Bear Number (if available) _____

Hosting Department: _____

UNC Host Sponsor Name: _____ Host Phone: _____

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Requested Category: Please indicate which category best fits the scholar's purpose and length of stay. Refer to Appendix.

- ☐ Non-UNC Agency Sponsored J-1 program (IREX, Fulbright, etc.)
- ☐ B-Business/or ESTA Visa Waiver 10 days or more at UNC (not eligible for honoraria under any circumstances)
- ☐ B-Business/or ESTA Visa Waiver 9 days or less at UNC (eligible for honoraria under some circumstances)
- ☐ Other (please specify category and duration): _____

Proposed objectives and title of research project (if any). *Please attach a summary of outcomes the scholar intends to achieve while they are at UNC. This should include academic and cultural-related objectives as well as a timeline to accomplish them. As part of our J-1 Sponsor obligations to the Department of State, we must provide information on all reciprocal international activities, and this information helps ensure Annual Reports are comprehensive. Please provide specifics if the scholar will engage in any paid activities for UNC, including but not limited to teaching in an adjunct capacity. Scholars sponsored by other Agencies, including Fulbright and IREX, must obtain authorization for all activities, including incidental employment.*

Appropriate Classification of Instructional Programs (CIP) Code for Proposed Activities (optional): _____

See National Center for Education Statistics <https://nces.ed.gov/ipeds/cipcode/browse.aspx?y=55> for current codes.

Benefit to UNC and Host Unit or Department: *Please provide a brief explanation of the benefits to UNC, the Hosting Department or Unit, and the impact on the workload of the Host Faculty or Staff member.*

Site(s) of Activity (including physical addresses) Where will the visitor be conducting their teaching, research or other activities? (Host Department address, lab? Other areas):

Will the visitor need independent access (UNC ID or hard keys) for any of the above spaces? ☐

Yes ☐ No

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Financial Support:

Will the host Department be paying the Scholar's application fee (currently \$250) and/or maintenance fees (\$250/semester)? ☐ Application Fee paid by Department ☐ Maintenance fees paid by department.

Will this visiting scholar ANY receive funding from UNC? Funding is not limited to, but may include housing, meals, reimbursement of travel costs, or honoraria. ☐ Yes ☐ No

If YES, funding amount for the duration of the program _\$_____

Other non-cash funding (housing costs, travel, etc. Please note that travel funding may be subject to Travel Authorization process and State fiscal rules, as well as taxation):

If the scholar is being offered funding, is this scholar being hired by a Department via standard H.R. processes? ☐ Yes ☐ No

If YES, is the offer of funding included in the Invitation Letter? ☐ Yes ☐ No

If NO, please include a copy of the funding offer with appropriate signature authority.

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The Office of Global Engagement will provide the following support for scholars who are admitted through OGE's Slate Scholar Application:

- **Process Applications:** OGE will collect, evaluate, and process Scholar Application and required supporting documentation in Slate. In partnership with the hosting academic department, screen and verify that participants have the education and credentials necessary to carry out the activity for which they are entering the USA to include sufficient English language proficiency to function in an English-speaking environment, where required by regulation.
- **Immigration:** For scholars visiting without UNC's J-1 sponsorship, OGE does not provide immigration support, but may serve as a resource for information and guidance within regulatory parameters.
- **For Externally Sponsored (Fulbright, IREX, etc).** Provide administrative support and sign off Institutional Reply Forms as Fulbright Administrator.
- **UNC access:** Visiting scholars who need university access, Bear IDs, or emails are admitted to the university as the equivalent of non-degree seeking graduate students. This will automatically create a Bear Number, allow access to many university systems, and create a Bear Mail account. Additional access must be requested and/or activated by the hosting department, depending on the Scholars' needs and Department policy.
- **Notify auxiliary departments:** For scholars admitted by OGE, OGE will notify the UNC Card Office, Campus Recreation Center, UNC Library, Housing & Residential Education, and the Insurance Office where needed of a visiting international scholar coming, in order to speed up the process should the scholar have need for campus wide access to these areas. Costs of

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auxiliary services may be borne by the visitor or Host Department. Departments should determine any costs for the scholar and notify them in advance. OGE will also notify the Accounting Office for assessment of tax implications and potential withholding requirements.

- **Provide access to cultural enrichment opportunities** on campus and in the greater Greeley community where applicable.
- **Provide access to tax compliance software** for the J category scholar and dependents for the tax reporting period or periods they are participating in the Scholar program. Scholars may also be required to provide profile information to the Accounting office (through Sprintax Calculus or its successor system).
- **Provide access to the amenities of the International Exchange Store** through which visiting students and scholars may borrow basic necessities.

Host Department Responsibilities

Departmental responsibilities for their scholars are as follows:

- **Provide official Letter of Invitation** signed by the College Dean to the scholar outlining:
 - Name of college and academic department host,
 - Name of key departmental personnel responsible (Host Coordinator) for the academic oversight of the scholar's program
 - Dates and purpose of visit
 - Academic department's expectations of the visiting scholar, including proposed schedule for duration of scholar's visit.
- **Ensure any appropriate background checks, required security clearances, and any necessary export control licenses** for the visitor's proposed activities are obtained.
- **In the case of J scholars sponsored through a third party, including Fulbright and IREX, provide immediate notification to OGE of any serious problem or controversy** which could be expected to bring the Department of State or the UNC's Exchange Visitor program into notoriety or disrepute [22 CFR 62.13(b)].
- **Assign one departmental representative to act as Sponsor/Host to oversee the scholar's program.** The Host Coordinator serves as the single point of contact during the proposal process and is responsible for liaising with others in their department or area to whom they may have delegated responsibility. **The Sponsor/Host, in coordination with the Department, agrees to:**
 - **Serve as the point-person** for the international visitor on both personal and professional engagement while at UNC.
 - **Notify OGE of the scholar's arrival and departure**, cancellations or extensions.
 - **Introduce the scholar** to the department faculty and staff.
 - **Ensure Scholar completes internal University forms and requirements** as necessary, including forms related to tax and withholding.
 - **Help organize the scholar's schedule** for professional, cultural, and community activities, and to provide mid-program and final reports (additional reports as needed on longer programs).
 - **Ensure that the scholar is engaged** in the proposed purpose of the visit.
 - **Provide necessary training** regarding department facilities and access.

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- **Provide professional and academic opportunities** for the international visitor
- **Assist the Scholar** with arrangements for:
 - **Housing:** Assist the scholar in locating and arranging adequate housing. It is recommended that scholars live on or very near the UNC campus, as they will rarely have access to private transportation. Hosts should consider the most appropriate options for length of stay and the need for furniture, home goods, linens, and other day-to-day necessities for the duration of the planned stay. Housing arrangements may require check-in and check-out support. Should the stay be paid for by the Hosting Department, the Department with coordinate cost and payment directly with Campus Housing or other vendors.
 - **Transportation:** It is recommended that a UNC representative meet the Scholar (and any accompanying dependents) at the Denver airport. Visitors will have limited access to transportation in Greeley and assistance may be needed during their stay.
 - **Dependents:** Scholars who choose to bring dependents (spouse and/or children) may have additional needs. Those with school-aged dependents may wish to enroll them in local schools (depending on the length of program, minors may be required by law to enroll in school). While children cannot be enrolled until they arrive in the US, scholars often have questions about schools in the area. The faculty sponsor/host agrees to provide guidance in enrolling dependents in local schools. OGE will assist to the best of their ability, subject to staff availability.
 - **Campus auxiliary services**, as appropriate.
 - **Tax office compliance**, as needed.

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Hosting Department Agreement

By signing below, the faculty host/sponsor acknowledge that they have read, understand, and (select one)

- ☐ Agree to the terms of hosting an international visiting scholar as stated above, and that
- The individual's program of research/teaching is consistent with their professional background and experience.
 - The visiting scholar's plans for research at UNC, if applicable, have been discussed with the visiting scholar
 - The visiting scholar will engage in activities only at UNC, unless explicitly included in the proposed activities.

OR

☐ Agree this visitor will not require access to campus systems, a UNC ID, housing, auxiliary campus or OGE support services of any kind, rendering the OGE responsibilities above unnecessary. The Department is still responsible for ensuring compliance with University requirements, including appropriate taxation of honoraria.

Host Faculty/Staff Signature: _____ Date: _____

Chair Approval

By signing below, the Chair of the Host Department (or equivalent for non-academic units) acknowledge that they have read the Host Department agreement and indicates the Department's support for this proposed Visiting Scholar, confirmation that the proposed visit will be of significant benefit to UNC, the college's faculty and/or students, and that the Department confirms its willingness to provide the resources and support needed for this Visiting Scholar as outlined above.

Chair Name: _____ Phone: _____

Chair Signature: _____ Date: _____

Please retain a copy of this form for your records and return an electronic copy to OGE international.advising@unco.edu

Dean Approval

By signing below, the Dean of the Hosting College (or equivalent for non-academic units) acknowledge that they have read the Host Department agreement and indicates the College's support for this proposed Visiting Scholar, confirmation that the proposed visit will benefit to UNC, the College's faculty and/or students, and that the College confirms its willingness to provide the resources and support needed for this Visiting Scholar as outlined above.

Dean Name: _____ Phone: _____

Dean Signature: _____ Date: _____

Please retain a copy of this form for your records and return an electronic copy to OGE international.advising@unco.edu

Appendix

Insurance:

Short term scholars are not eligible to enroll in UNC SHIP or employee plans and should carry sufficient traveler and/or health insurance to meet their needs for the duration of their time in the United States. Long term scholars may be eligible to enroll in UNC SHIP insurance if they meet OGE and SHIP criteria.

Visas and the Exchange Visitor Program

B-1/2 or ESTA Visa Waiver (9 days or less if offering an honorarium):

Entering the U.S. in B-1 (or the WB waiver category equivalent) or B-2 (or WT waiver equivalent to B-2) status does not permit *employment* of any kind, but visitors in B-1 and WB status have traditionally been allowed to receive reimbursements for incidental expenses or per diems related to their B-1/WB activity. The total amount of such payments cannot exceed what is "reasonable" as a business expense (see 9 FAM 402.2-5(F)(1) (U) Incidental Expenses or Remuneration).

A visitor who meets the "9/5/6 rule" may receive academic honoraria and associated incidental expenses pursuant to the criteria set forth in INA § 212(q):

- The visitor is performing an academic activity for the benefit of UNC,
- The activity or activities being compensated are performed within 9 days, and
- The individual has not accepted honorarium payment or reimbursement for qualifying activities from more than five institutions in the previous 6-month period.

B-2 and WT visitors are not permitted to engage in employment of any kind while in the United States, nor are they permitted to receive any other type of payments or reimbursements (other than "academic honoraria" under INA 212(q)). They may not legally accept part-time, full-time, or temporary teaching or research positions or other employment for which they are paid by a U.S. institution.

It is worth noting if the honorarium is offered and arrangements are being made in advance, the visitor intending to use the Visa Waiver Program should seek the Business classification. There's also a 30% withholding required on honorarium payments and incidental expenses (unless the visitor claims a tax treaty benefit, which requires having an SSN or ITIN in the U.S. or applying for one while here).

Payments for independent contractors go through [Accounts Payable](#), and visitors who meet the criteria defined by the Accounting Office may be required to complete a Sprintax Calculus (or successor system) profile in order to facilitate withholding and correct payments.

Section 431 of the American Competitiveness and Workforce Improvement Act - ACWIA amended the Immigration and Nationality act 8 USC 1182(q) as follows: "(q) Any alien admitted under section 101(a)(15)(B) [B visa or equivalent visa waiver] may accept an honorarium payment and associated

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incidental expenses for a usual academic activity or activities (lasting not longer than 9 days at any single institution), if such payment is offered by an institution or organization described in subsection (p)(1) and is made for services conducted for the benefit of that institution or entity, and if the alien has not accepted such payment or expenses from more than 5 institutions or organizations in the previous 6-month period."

B or Waiver status individuals may also have reasonable expenses covered by UNC without regard to the 9//5/6 rule if they meet the requirements under the accountable plan.

J-1 Exchange Visitor Categories:

Under [CFR § 62.1 \(b\)](#), the purpose of the J-1 Exchange Program is to provide exchange visitors with "*opportunities to participate in educational and cultural programs in the United States and return home to share their experiences, and to encourage Americans to participate in educational and cultural programs in other countries.*"

J-1 status is quite flexible and is designed to meet the needs of scholars participating in the academic and cultural exchange activities in the U.S. J-1 exchange visitors at the University of Northern Colorado range from an exchange or dual degree student, professor or researcher, a scientific collaborator, a guest lecturer, or participant in a special academic and cultural short-term program. J-1 exchange visitors may be paid by UNC when such activities are part of his/her program. There are a few basic requirements that all J-1 Exchange Visitors must meet to be qualified for the program:

- Intent to pursue appropriate activity (such as research, teaching, or training),
- Intent to return to home country (as determined by consular officer),
- Sufficient funding for the duration of the program,
- Appropriate background for program activity (example, Research Scholars must have at least a master's degree or bachelor's degree with equivalent experience),
- Proof of adequate English language proficiency, and
- Clear and adequate outline of intended program activities, appropriate to the EV category.

The US Department of State has approved UNC to provide J-1 programs in the following categories: [Professor, Research Scholar, Short-Term Scholar, and Student](#). Each category has requirements that a scholar must meet in order to be classified within the category. The maximum period of time authorized for an exchange visitor depends upon the category into which their program is classified. Where the scholar is Sponsored by UNC, OGE will make the final determination of J-1 program category. In all J categories, the scholar (and host department, where applicable) must provide proof of funding for the entire duration of the program prior to immigration support documents being issued. Where the scholar is Sponsored by an external Program Sponsor such as Fulbright, the Sponsoring agency will make the final determination. UNC is authorized for the following J-1 categories:

Short Term Scholar (22 CFR § 62.21):

Purpose: Lecture, Observe, Consult, Training, Demonstrate special skill(s)

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Position in Home Country: Professor, Researcher, Post-doc or Pre-doc, Graduate Students/Similar (Doctors, attorneys, etc.).

Visitor Eligibility: A short-term U.S. visit to lecture, observe, consult, train, or to demonstrate special skills at Research institutions, museums, libraries, post-secondary educational institutions.

Duration of U.S. Visit: 1 day - 6 months.

Repeat Participation: Yes. No waiting period.

Notes: Depending on the purpose of the program and duration of the visit, undergraduate or graduate level of English proficiency is required. Duration of program not to exceed 6 months, no extensions permitted for the category. Subsequent visits must have a different objective.

Research Scholar (22 CFR § 62.20):

Purpose of Visit: Research, Observe, or Consult in connection with a research project.

Position in Home Country: Professor, Researcher, Post-doc or Pre-doc, Graduate Students/Similar (Doctors, attorneys, etc.).

Visitor Eligibility: Temporary, non-tenure track appointments. Minimum qualifications: bachelors' degree with appropriate experience in the field in which research is to be conducted. Not physically in U.S. for all or part of 12-months preceding start date, unless excluded according to 22 CFR 62.20(d)(2)(i-iii).

Duration of U.S. Visit: 3 weeks - 5 years.

Repeat Participation: Permitted only after 24 months residency outside U.S.

Notes: Depending on the purpose of the program and duration of the visit, undergraduate or graduate level of English proficiency is required. Incidental lectures or short-term consultations are permitted with the approval of the Responsible Officer so long as they are directly related to the objectives of the participant's program, and do not delay the exchange program's completion date.

Professor (22 CFR § 62.20):

Purpose of Visit: Teach or Lecture at university, Observe or Consult.

Position in Home Country: Professor, Researcher, Post-doc or Pre-doc, Graduate Students/Similar (Doctors, attorneys, etc.).

Visitor Eligibility: Temporary, non-tenure track appointments. Minimum qualifications: bachelors' degree with appropriate experience in the field. Not physically in U.S. for all or part of 12-months preceding start date, unless excluded according to 22 CFR 62.20(d)(2)(i-iii).

Duration of U.S. Visit: 3 weeks - 5 years.

Repeat Participation: Permitted only after 24 months residency outside U.S.

Notes: Depending on the purpose of the program and duration of the visit, undergraduate or graduate level of English proficiency is required. Incidental lectures or short-term consultations are permitted with the approval of the Responsible Officer so long as they are directly related to the objectives of the participant's program, and do not delay the exchange program's completion date. A professor may also conduct research, unless disallowed by the sponsoring organization. Graduate level English proficiency is required.

College and University Student (22 CFR § 62.23):

Purpose of Visit: Participate in a degree or non-degree program at an accredited post-secondary academic institution.

Position in Home Country: College or University degree or non-degree applicant. For internships that satisfy degree requirements EVPs must be enrolled in a university or college outside of the U.S.

Visitor Eligibility: Admitted into a course of study in the U.S. The student must not be funded primarily by personal or family funds.

Duration of U.S. Visit: Duration of course of study. Or 24 Months for non-degree students.

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Repeat Participation: Yes. No waiting period.

Notes: Depending on the purpose of the program and duration of the visit, undergraduate or graduate level of English proficiency is required. Accepted students may be permitted to enroll in IEP courses as part of their course of study in the United States.

English Language Proficiency:

U.S. Department of State requires that all prospective J-1 Exchange Visitor scholars have an "Objective Measurement" of their English language proficiency because they found that "too many exchange visitors lack sufficient English proficiency to perform their jobs or complete their academic programs; to navigate daily life in the United States; to read and comprehend program materials; to understand fully their responsibilities, rights, and protections; and to know how to obtain assistance, if necessary." [[79 FR 60294, 60301](#)]. While the academic English needs of visiting scholars may vary considerably, Host Departments should consider minimums set for undergraduate students as a helpful baseline of competency for highly engaged visitors.