

UD Non-Resident Alien Honorarium Regulations

Honorarium payments may be made only to a non-resident alien who is in an immigration status that legally allows such payments. The visa types B-1, B-2, W/B, W/T and UD J-1 are eligible. The following regulations relate to non-resident alien honorarium payments to visitors at the University of Delaware:

- 1) A non-resident alien can receive an honorarium without a SSN (Social Security Number) or ITIN (International Tax Identification Number) if the University of Delaware adds withholding tax of 30% to the honorarium. UD then submits the actual tax dollars to IRS.
- 2) By law, UD is required to ask a payee for his ITIN number. If the payee neglects or refuses to provide an ITIN, UD must document the inability to obtain the number and must inform the payee of the IRS regulation for taxes. Per Lowell Hancock of IRS, the Treasury Regulation 301.6109-1(c) states that if a good faith effort to obtain an ITIN is made but not obtained, these procedures would satisfy IRS. Note: FSSS is in process of applying to become an ITIN agent for those visitors who might have need for an ITIN number.
- 3) At year end, UD must report the tax on Form 1042S. If IRS questions UD, UD would respond that there is proof on file that the 30% tax was withheld and submitted to IRS on behalf of the visitor.

Procedures to be followed to process honorarium payments to eligible UD visitors:

- 1) The Foreign Student Scholars Services Office (FSSS) has been designated by the Provost as the “official” office to process all requests from the UD community for non-resident alien visitors to campus.
- 2) The Provost will inform the campus community that any faculty/department that wishes to invite any non-resident alien to campus must first contact FSSS and/or go to the website <http://www.udel.edu/gradoffice/facultystaff/> in order to complete the “**Request for Visiting Scholar Form**” and the top portion of the **UDW8 form**.
- 3) The unit will submit the above forms to FSSS along with a written memo that includes the total remuneration offer to the visitor. (Remuneration offers made after a visitor’s arrival require approval by the Dean.) Upon receipt of the forms, FSSS will correspond with the visitor so as to inform the visitor of the necessary process to obtain the appropriate status to enter the US. The visitor will be requested to correspond directly with FSSS on Visa issues.
- 4) When the visitor arrives on campus, he/she will visit FSSS so that FSSS can make appropriate copies of documentation required by USCIS and IRS. If appropriate and requested, a staff member of FSSS will visit the academic department to obtain appropriate documentation.
- 5) Reimbursement/payment documentation will be forwarded by FSSS to Procurement. The unit prepares the appropriate paper work for the actual payment. The goal would be to have the completed check in hand before the visitor leaves.

(Revised: November 2004)