

Employment of Noncitizens Outside the U.S. Policy

Effective Date: September 12, 2005
Supersedes: N/A
Policy Review Date: To be reviewed every 3 years from effective date
Issuing Authority: Research Foundation President
Policy Owner: Vice President for Human Resources
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Reason for Policy

Research Foundation (RF) operating locations sometimes hire noncitizens to perform work outside the United States (U.S.). When this is the case, general Internal Revenue Service rules regarding employees and independent contractors do not apply and the individual is not protected by many federal employment laws, including the U.S. Equal Employment Opportunity laws (Title VII). In addition, because the employment rules differ from country to country, are often complex, and are subject to change without notice, it is difficult to ensure that an employee relationship meets the requirements of each country.

Statement of Policy

Noncitizens working on projects outside the U.S. should be hired through a third-party employer or as independent contractors. Operating locations can engage the person without formally classifying the worker (refer to [Engaging Independent Contractors](#) for more information).

There should be no employment relationship between the noncitizen and the Research Foundation.

Payments should be processed through the accounts payable system.

The project may provide the individual with benefits when it is appropriate to the working relationship and consistent with sponsor guidelines.

Responsibilities

The following table outlines the responsibilities for compliance with this Policy:

Responsible Party	Responsibility
Operating Locations	The Research Foundation operations manager is responsible for ensuring that <ul style="list-style-type: none"> the policy on engaging the services of noncitizens outside the United States is implemented.
Central Office	The Vice President of the Office of Human Resources is responsible for <ul style="list-style-type: none"> providing the operating locations with guidance on engaging noncitizens to work on projects outside the United States.

Related Information

For more information on payments to noncitizens outside the U.S., see the following documents in the Accounts Payable and Purchasing business areas:

[Payment Tax and Reporting Handbook](#)
[Engaging Independent Contractors](#)

Forms

None

Change History

Date	Summary of Change
April 25, 2024	Updated links and policy format
September 12, 2005	Revised to clarify that noncitizens working outside the U.S. should be classified as independent contractors or paid via third party employers.
May 1, 2002	Revised to add policy relating to providing benefits to independent contractors.

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.