

## Employment of Noncitizens Outside the U.S. Policy

### Basis 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.

### 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.

### Additional Information

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

- [Overview of Miscellaneous Income Payments to Nonresident Aliens](#)
- [Engaging Independent Contractors](#)

### Responsibilities

#### Operating Locations

The *Research Foundation operations manager* is responsible for ensuring that

- 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

- providing the operating locations with guidance on engaging noncitizens to work on projects outside the United States.

## Change History

- **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](mailto:webfeedback@rfsuny.org).

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