

NUMBER: BUSF 8.01  
SECTION: Business and Finance  
  
SUBJECT: Payroll Authorizations  
  
DATE: December 4, 2006  
  
Policy for: All Campuses  
Procedure for: All Campuses  
Authorized by: Rick Kelly  
Issued by: Payroll

---

The language used in the Business and Finance policies does not create an employment contract between the employee and the University of South Carolina. The University reserves the right to revise the content of the Business and Finance policies, in whole or in part, with or without notice. In all cases, the Business and Finance policies are intended to be consistent with the prevailing state and federal laws and regulations. However, in the event the language contained in the Business and Finance policies conflicts with state or federal laws or regulations, the state or federal laws or regulations will control. The University of South Carolina Division of Business and Finance has the sole authority to interpret the University's Business and Finance policies.

---

I. Purpose of Policy

This document sets forth the University of South Carolina policy on payments to Internationals.

II. Policy Statement

All payments to individuals who are not US citizens must be cleared for compliance with US immigration and tax regulations pursuant to the Tax Reform Act of 1986 and the Immigration and Nationality Act as amended. Non-US citizens cannot begin work or receive any type of University funding until it has been determined that they are in a US immigration status that allows the University to provide the payment. This requires the international to enter the US in an immigration status that allows the type of payment planned, including those for reimbursement of travel and expenses. Until compliance requirements are met, no check will be issued. This policy applies to all payments made on behalf of the University.

III. Procedures

**A. Payments made to Students**

Payments to non-immigrant international students entered in the Student Hire System or on DEV form for scholarships, must be cleared for immigration purposes through the International Programs for Students Office. Departments should enter graduate assistant, work study student assistants, and other student hires through the Student Hire System. The system will route international student hires to the International Programs for Students Office for approval. Departments must submit the form I-9 with these hires. Questions on the validity of permanent residency document for students should be directed to the International Programs for Students Office.

#### **B. Payments made to other non- US citizens**

Payments made to non-US citizens who are not students may be submitted on PBP-1, PBP-2, DEV, DEPS, or on a TA. These payments must be reviewed and approved for immigration purposes through the International Support for Faculty and Staff office located in Byrnes 702. (See ACAD 1.03 and ACAF 8.01). Usually, Form I-9 is completed by International Support for Faculty & Staff, but may be completed by the initiating department.

To bring an individual to USC in a US immigration status that allows the University to provide any sort of remuneration can require 60-180 days in advance of the planned activity. In many instances, a US immigration document must be issued by USC for the international to present to a US Consular Office abroad in order to obtain the appropriate visa to come to the US. The amount of time needed in advance depends upon the nature of the payment, the particulars of the individual and whether or not they are already in the US or in a remote location overseas. Specific questions should be directed to the offices noted above in III A. and III B.

#### **C. Procedures for compliance with US tax laws**

All non-US citizens receiving payments of any type from the University must complete and submit a USC International Tax Information Form (IS-3). International offices will assist in gathering information for the form from students and scholars who must then meet with the International Tax Coordinator to complete required IRS forms.

#### **D. Travel**

In accordance with IRS REV Ruling 63-77, allowances or reimbursements made to individuals by a prospective employer for expenses incurred in connection with interviews for possible employment which are conducted at the invitation of the institution are not wages and are satisfactory to be paid under the accountable plan rule.

In order to be covered under an accountable plan, there must be a business purpose for the visit. The regulation under IRS section 274 interprets “business purpose” to mean that the recipient is providing either employment or self employment services.

Individuals who do not fall within one of the above reimbursement categories are considered travel grant expenses and are taxed at 30% unless the individual has an IRS issued ITIN or Social Security number.

#### **E. Scholarship/Fellowship**

Qualified scholarships are tax exempt under IRC 117 and not reported on Form 1042S (i.e., tuition and other required fees for enrollment).

Non-qualified scholarships are taxable at 14% unless the nonresident has an IRS issued TIN or a social security number and is from a tax treaty country.

After meeting with the International Tax Coordinator and completing all required IRS forms, the Coordinator will do a computational analysis in the tax system and forward IRS forms to the appropriate offices for check processing.

Individuals electing to utilize tax treaty benefits must allow adequate time for the payroll office to update the payment records. The necessary adjustments will be made as required. Form 8233 shall be sent to the IRS by the International Tax Coordinator as required by tax law. The International Tax Office routinely coordinates with the Payroll Office to ensure adherence to treaty benefits.

Individuals electing to utilize treaty benefits will either receive a Form 1042-S or Form W-2 or both if they exceed the treaty benefit allowance. The individual must file the appropriate tax return with the IRS (1040NR or 1040EZ).

- IV. Reason(s) for the most recent policy change:  
These changes to the policy are made to reflect use of the Student Hire System and other procedural changes.

Send comments to [Pam Cope](#)