



# RECRUITING COSTS: SHORT-TERM VISA FEES

October 9, 2015

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## SCOPE

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This policy sets forth the California Institute of Technology's guidelines for charging short-term visa fees in whole or in part to Federally-funded sponsored projects. This policy has been established to provide guidance to Caltech personnel for determining the allowability, allocability, and reasonableness of charging short-term, travel visa costs (as opposed to longer-term, immigration visas) to Federal awards. Staff recruitment costs are generally allowable, and may include advertising, travel, interview, testing, and short-term travel visa costs. These costs must be consistent with the Institute's practices and meet the test of reasonableness.

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## DEFINITIONS

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### **Allocable Costs**

A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or such cost objective in accordance with relative benefits received.

### **Allowable Costs**

Costs must be necessary and reasonable for the performance of the Federal award, be allocable, and conform to any limitations or exclusions in the Federal Cost Principles or Uniform Guidance, as applicable, or the Federal award. In addition, costs must be consistent with Institute policies and procedures, receive consistent accounting treatment, be determined in accordance with Generally Accepted Accounting Principles, not be claimed as cost sharing or matching for any other federal award, and be adequately documented.

### **Direct Cost**

Direct costs are those that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

### **Immigration Visa Costs**

Immigration visa costs are costs that are related to labor certifications filed with the U.S. Department of Labor, immigrant visa petitions and adjustment applications filed with the U.S. Citizenship and Immigration Service, and immigrant visa applications submitted to the U.S. Department of State, including attorney fees. Examples of immigration visa costs include fees paid for Form I-140 and I-485.

## **Reasonable Costs**

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

## **Recruitment**

A recruitment is the process of finding and hiring a candidate from within or outside the organization for a job opening. Typically, the recruitment process includes determining the requirements of a job, attracting applicants to the job, screening and selecting applicants, and hiring an applicant for the position.

## **Short-Term, Travel Visa Costs**

Short-term travel visa costs include costs that are related to nonimmigrant petitions and applications filed with the U.S. Citizenship and Immigration Service, as well as costs that are related to nonimmigrant visa applications submitted to the U.S. Department of State, and the Student and Exchange Visitor Information System (SEVIS) fee. Examples of short-term visa types include H-1B, TN, E-3, O-1, and J-1.

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# **POLICY**

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Federal and federal flow-through awards are subject to either Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR, Part 200) (Uniform Guidance) or OMB Circulars A-21 (2 CFR, Part 220) and A-110 (2 CFR, Part 215). The Uniform Guidance specifically addresses the allowability of costs associated with short-term travel visas on federal sponsored projects. OMB Circulars A-21 and A-110 are silent on the allowability of charging visa costs on Federally-funded sponsored projects. A given Federal award is subject to the OMB Circulars or to the Uniform Guidance, depending on which regulations are referenced in that specific award.

For Federal awards subject to the Uniform Guidance, short-term travel visa costs (as opposed to longer-term immigration visas) incurred as a recruitment cost may be charged directly to those Federal awards. Short-term visas are issued for a specific period and purpose so they can be clearly identified as directly connected to work performed on a Federal award. In order for the short-term travel visa application fees and associated fees (such as the anti-fraud prevention and detection fee) to be directly charged to a Federal award, they must:

1. Be critical and necessary for the conduct of the project;
2. Be allowable under the applicable cost principles;
3. Be consistent with Caltech's cost accounting practices and policies; and
4. Meet the definition of "direct cost" as described in the 2 CFR, Part 200.

Normally, premium processing fees to expedite short-term travel visa applications may not be charged to the Federal or Federal flow-through awards. Costs incurred for renewal visas can only be charged to a Federal award when the costs are determined to be a recruitment cost for Caltech. In the case of a discrepancy between the provisions of a specific award and the Uniform Guidance, the terms and conditions of the Federal award govern. Premium processing fees and costs for

renewal visas that are specifically approved by the Federal funding agency may be charged to the Federal award if they meet the criteria in this policy. Such fees and costs should be included in the proposal budget and clearly described in the budget justification. If it becomes necessary to incur premium processing fees and costs for renewal visas after the award has been initiated, the Principal Investigator (PI) must submit a request for Federal sponsoring agency written approval. The request should clearly address the criteria listed above.

When short-term travel visa costs are associated with relocation of a new employee and the newly hired employee resigns for reasons within the employee's control within 12 months after hire, all relocation costs including short-term travel visa costs become unallowable on a Federal award and must be transferred to a non-Federal PTA.

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## ROLES AND RESPONSIBILITIES

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### **Principal Investigator**

- In the proposal budget and budget narrative, include any short-term visa costs that are not considered a recruitment cost but are allocable and allowable as a direct cost for the project. These costs include premium processing fees and renewal visa fees.
- Ensure that the new researcher's effort will benefit research projects associated with the PTA(s) where the costs will be charged.
- Obtain Division Chair or Division Administrator's approval for special circumstances.

### **Division Administrative**

- Identify the Project-Task-Award (PTA) and expenditure type where the short-term travel visa fees should be charged.

### **Office of Sponsored Research**

- Assist PI in obtaining sponsor approval when needed.

### **Post Award Administration Office**

- Review sponsored award PTAs for allowability of visa fees when requested.
- Route restricted gift PTAs to Financial Services for allowability of visa fees when required.

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## RELATED REFERENCES AND FORMS

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[Human Resources](#) website for hiring new employees

[International Offices](#) website for information about immigration support

Visa Charging Information and Approval Form

## Visa Allowability Matrix

OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR, Part 200. See § 200.403, Factors affecting allowability of costs, § 200.404, Reasonable costs, § 200.405, Allocable costs, § 200.413, Direct costs, § 200.463, Recruiting costs

Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, commonly referred to as OMB Circular A-110 or 2 CFR, Part 215

Office of Management and Budget's Cost Principles for Educational Institutions, commonly referred to as OMB Circular A-21 or 2 CFR, Part 220

NIH Grants Policy Statement, Effective October 2013

NSF Proposal & Award Policies and Procedures Guide, Effective February 24, 2014

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### POLICY ISSUED BY

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This policy is issued by the Office of Financial Services, International Offices and the Office of Research Administration.

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### EFFECTIVE DATES AND UPDATES

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Action Take	Effective Date	Description of Action
Original	12/26/14 Issued 10/9/15	Approved by the Office of Financial Services, International Offices, and the Office of Research Administration

**California Institute of Technology**  
**Visa Cost Allowability Matrix**

Description	Type of Visa & Current Cost	Pre Uniform Guidance (Prior to 12/26/2014)					Post Uniform Guidance (On or After 12/26/2014)		
		NSF	NIH	Other Federal Sponsored	Non-Federal Sponsored	Non-Sponsored	Federal Sponsored	Other Sponsored	Non-Sponsored
<b>1. Short-term, Travel Visas (Nonimmigrant filing fees) - Recruitment* (Employee only) *See below for a definition</b>									
<b>1.a. Initial</b>	<b>H-1B, TN, E-3, or O-1</b>								
1.a.1. Visa fee (I-129 filing fee)	\$325	A <sup>1</sup>	A <sup>2</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	A <sup>7</sup>	A <sup>4</sup>	A <sup>5</sup>
1.a.2. Fraud detection and prevention fee	\$500	A <sup>1</sup>	A <sup>2</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	A <sup>7</sup>	A <sup>4</sup>	A <sup>5</sup>
1.a.3. Premium processing fee (I-907 filing fee)	\$1,225	U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>5</sup>	A <sup>7</sup>	A <sup>4</sup>	A <sup>6</sup>
<b>1.b. Renewal (Amend or Extend)</b>	<b>H-1B, TN, E-3, or O-1</b>								
1.b.1. Visa fee (I-129 filing fee)	\$325	U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>5</sup>	U <sup>2</sup>	A <sup>4</sup>	A <sup>6</sup>
1.b.3. Premium processing fee (I-907 filing fee)	\$1,225	U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>	U <sup>2</sup>	A <sup>4</sup>	A <sup>6</sup>
<b>1.c. Petitioner/Applicant is not Caltech</b>	<b>F-1, J-1, J-2, or other</b>								
1.c.1. EAD (I-765 filing fee)	\$380	A <sup>1</sup>	A <sup>2</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	A <sup>7</sup>	A <sup>4</sup>	A <sup>5</sup>
1.c.2. Change of Status (I-539 filing fee)	\$290	A <sup>1</sup>	A <sup>2</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	A <sup>7</sup>	A <sup>4</sup>	A <sup>5</sup>
1.c.3. Visa application fee and Reciprocity fee (Dept. of State)	Varies	A <sup>1</sup>	A <sup>2</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	A <sup>7</sup>	A <sup>4</sup>	A <sup>5</sup>
1.c.4. SEVIS fee (I-901 application fee)	Varies	A <sup>1</sup>	A <sup>2</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	A <sup>7</sup>	A <sup>4</sup>	A <sup>5</sup>
<b>2. Short-term, Travel Visas (Nonimmigrant filing fees) - Not Recruitment* (Employee only) *See below for a definition</b>									
<b>2.a. Initial</b>	<b>H-1B, TN, E-3, or O-1</b>								
2.a.1. Visa fee (I-129 filing fee)	\$325	A <sup>1</sup>	U <sup>1</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
2.a.2. Fraud detection and prevention fee	\$500	A <sup>1</sup>	U <sup>1</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
2.a.3. Premium processing fee (I-907 filing fee)	\$1,225	U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>5</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
<b>2.b. Renewal (Amend or Extend)</b>	<b>H-1B, TN, E-3, or O-1</b>								
2.b.1. Visa fee (I-129 filing fee)	\$325	U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
2.b.3. Premium processing fee (I-907 filing fee)	\$1,225	U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
<b>2.c. Petitioner/Applicant is not Caltech</b>	<b>F-1, J-1, J-2, or other</b>								
2.c.1. EAD (I-765 filing fee)	\$380	A <sup>1</sup>	U <sup>1</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
2.c.2. Change of Status (I-539 filing fee)	\$290	A <sup>1</sup>	U <sup>1</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
2.c.3. Visa application fee and Reciprocity fee (Dept. of State)	Varies	A <sup>1</sup>	U <sup>1</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
2.c.4. SEVIS fee (I-901 application fee)	Varies	A <sup>1</sup>	U <sup>1</sup>	A <sup>3</sup>	A <sup>4</sup>	A <sup>5</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
<b>3. Immigration Visas (Immigrant filing fees) - All</b>		U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>8</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>
<b>4. Dependent Visas (Nonimmigrant and Immigrant filing fees) - All</b>		U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>8</sup>	U <sup>1</sup>	A <sup>4</sup>	A <sup>6</sup>

**Allowability:**

A<sup>1</sup> - Allowable if cost meets the allowability criteria in NSF's Award Administration Guide (AAG).

A<sup>2</sup> - Allowable if cost meets the allowability criteria in NIH's Grant Policy Statement (PAPPG).

A<sup>3</sup> - Allowable if cost meets: 1) the allowability criteria as a direct cost in OMB Circular A-21 and 2) is an allowable costs per the terms and conditions of the specific award.

A<sup>4</sup> - Allowable if the cost is an allowable cost per the non-federal sponsor's specific award terms and conditions.

A<sup>5</sup> - Allowable cost when charged to non-sponsored PTAs. Note, if PTA is a restricted gift then Gifts and Endowments may need to review for allowability.

A<sup>6</sup> - Allowable but not allocable cost. Use expenditure type **Document Fees - Unallocable** when charging these expenses.

A<sup>7</sup> - Allowable if the cost meets 1) the criteria in 2 CFR, Part 200 § 200.463 (d), Recruiting costs and 2) the criteria of a direct cost in § 200.413.

U<sup>1</sup> - Unallowable as a direct charge to federal or federal pass-through sponsored awards unless the costs 1) meet the criteria as a direct cost under federal regulations under , as applicable, 2) the costs are specifically described in the proposal budget and are an allowable cost per the terms and conditions of the specific award.

**Definitions:**

*A recruitment is the process of finding and hiring a candidate from within or outside the organization for a job opening. Typically, the recruitment process includes determining the requirements of a job, attracting applicants to the job, screening and selecting applicants, and hiring an applicant for the position.*

***The following are examples of situations that are considered a recruitment:***

1. New staff hire with a competitive hiring process.
2. New non-professorial faculty appointment with a competitive hiring process.
3. New professorial faculty appointment with a competitive hiring process.
4. Change from non-Caltech funded (not an employee) to Caltech funded (employee) with a competitive hiring process.

***The following are examples of situations that are not considered a recruitment:***

1. Promotion (i.e. postdoc to senior postdoc) without a competitive hiring process.
2. Appointment without a competitive hiring process.
3. Concurrent appointment (i.e. postdoc plus lecturer).
4. Change from one title to another (i.e. non-professorial faculty / professorial faculty).
5. Change in hours or location.