

Short Term Visa Costs Guidelines for Charging to Federally-Funded Awards

Presenter: Rochelle Athey,
Senior Director, Post Award Administration

New Policy on Recruiting Costs – Short Term Visa Fees

- Provides guidelines for charging short-term visa fees to Federal awards
- Includes a matrix that assists with determining allowability of short term visa fees on sponsored awards
- On the PAA policies website:
http://finance.caltech.edu/documents/419-recruiting_costs_short-term_visa_fees.pdf

What Are Short Term Visa Costs?

- Costs related to nonimmigrant petitions and applications filed with the US Citizenship and Immigration Services
- Costs related to nonimmigrant visa applications submitted to the US Department of State
- Fees for Student and Exchange Visitor Information System (SEVIS)

Examples: H-1B, TN, E-3, O-1, J-1

(NOTE: Although allowable, Caltech does not typically pay for visa applications or SEVIS fees)

What Are **Not** Short Term Visa Costs?

- Costs for labor certifications filed with the US Department of Labor
- Immigrant visa petitions and adjustment applications filed with the US Citizenship and Immigration Service
- Immigrant visa applications submitted to the US Department of State
- Attorney fees

Examples: Form I-140, I-485

Allowability of Short Term Visa Costs on Federally Funded Awards

- Before the Uniform Guidance
 - NSF
 - NIH
 - Other Federal Agencies
- After the Uniform Guidance

Allowability of Short Term Visa Costs on Federally Funded Awards- Before Uniform Guidance - NSF

- Fees are allowable only to the extent they meet the requirements outlined under 4. Relocation Costs (next slide).
- Must be critical and necessary for the conduct of the project
- Allowable under the applicable cost principles (OMB Circular A-21)
- Consistent with Caltech's cost accounting practices and policies
- Meet the definition of "direct cost" as described in A-21
- Expedited processing fees are unallowable (unless NSF has approved the fees in writing or the award budget has explicitly referenced the fee cost).

[NSF Award and Administration Guide](http://www.nsf.gov/pubs/policydocs/pappguide/nsf14001/aag_5.jsp#VC)

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(scroll down to C. Other Direct Costs, **4. Relocation Costs, Visa Fees**)

NSF – Other Direct Costs – Relocation Costs

4. Relocation Costs

a. Relocation costs may be charged to an NSF grant as an other direct cost in accordance with the applicable governing cost principles provided that:

- (i) a proposal for NSF support specifically indicates that the grantee intends to hire a named individual for full-time work on the project or via advance understanding if determination of the need for such individual is made subsequent to the award;
- (ii) such recruitment action is not disapproved by the grant terms; and
- (iii) the prospective employee or visiting staff member:
 - (a) is essential to the project on a full-time basis for a continuous period of at least twelve months; and
 - (b) is regularly located at a place sufficiently removed from the project site that his/her employment necessitates the change.
- (iv) relocation costs charged to an NSF grant that were not included in the approved budget must be fully documented in the grantee's records and be in accordance with the grantee's established policies and procedures.

b. The amount of actual reimbursement should be in accordance with the grantee's established policy or practice which:

- (i) is in conformance with the applicable governing cost principles;
- (ii) has been approved by the cognizant governing audit agency; and
- (iii) is consistently applied to both Federal awards and non-federal activities.

Allowability of Short Term Visa Costs on Federally
Funded Awards-
Before Uniform Guidance (cont.) - NIH

NIH Grants Policy Statement, effective October 2013

[Chap 7.9/1 Selected Items of Cost \(scroll to bottom\)](#)

- Caltech and individual must have an employee/employer relationship
- Short term visa costs associated with initial recruitment, fraud fees and fees associated with SEVIS Form I-901 are allowable
- Short term visa costs associated with renewals, and expedited processing fees are **unallowable** (unless NIH has authorized the fee in writing or the fees are specifically referenced in the approved award budget)

Allowability of Short Term Visa Costs on Federally Funded Awards- Before Uniform Guidance

Other Federal Agencies – short term visa costs are allowable as direct charges to those awards if they meet the other criteria for allowability and direct charges in the applicable federal guidance and the specific terms and conditions of the award.

- Short term visa expedited processing fees are **unallowable** unless approved in writing by the agency or are explicitly referenced in the approved award budget

Allowability of Short Term Visa Costs on Federally Funded Awards – After Uniform Guidance

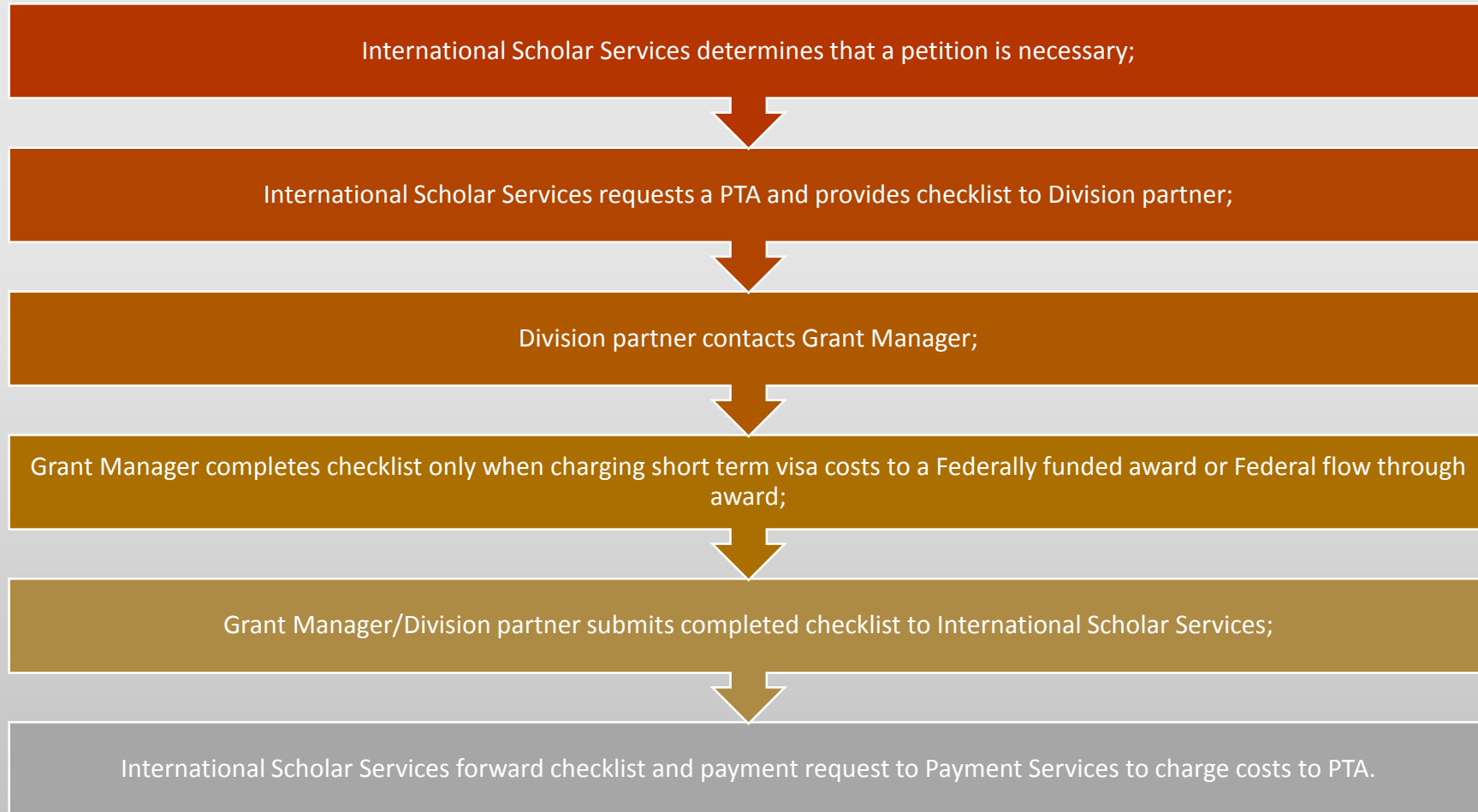
- **Must be a recruitment cost**
 - A recruitment is the process of finding and hiring a candidate from within or outside the organization for a job opening. Typically, the recruitment process includes determining the requirements of a job, attracting applicants to the job, screening and selecting applicants, and hiring an applicant for the position.
- **Critical and necessary for the conduct of the project**
- **Allowable under applicable cost principles**
- **Consistent with Caltech's cost accounting practices and policies**

Allowability of Short Term Visa Costs on Federally Funded Awards – After Uniform Guidance (cont.)

- Meet the definition of a direct cost as described in 2 CFR Part 200
- Costs associated with renewals that did not arise from a recruitment and premium processing fees are unallowable.*
- When short term visa costs are associated with the 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 visa costs become unallowable on Federal awards and must be transferred to a non-Federal PTA.

*Premium processing fees and renewal visa costs may be allowable if the federal agency provides written approval of such costs (specific budgeting of such costs is considered allowable)

Process of Charging Short Term Visa Costs



Checklist

Is the cost a recruitment cost?

Is the PTA to be used subject to A-21/A-110?

Is the PTA subject to the Uniform Guidance?

Has the PI received written approval for the cost from the agency or is the cost specifically identified in the award budget?

Expenditure Types

- Document Fees

- Use to charge short-term visa fees that are allocable

Expenditure Type Details
Expenditure Type Name: Document Fees
Expenditure Definition: Cost of misc. allocable application and filing fees (recruitment visa, passport, etc.)

- Document Fees – Unallocable

- Use to charge short-term visa fees that are not allocable
 - Short-term, travel visa costs for staff that were not hired through a ‘recruitment’ as defined by Caltech
 - Renewal visa costs

Expenditure Type Details
Expenditure Type Name: Document Fees-Unallocable
Expenditure Definition: Cost of visa fees that are not allocable.

Key Points to Remember

- The individual for whom the visa fees are being charged must be appointed on the PTA that is paying the fees:
 - Exceptions -- unrestricted PTAs – endowments, unrestricted gifts, general budget (these types of PTAs are not managed by Post Award Administration)
- If the individual for whom visa fees are being charged is working on more than one sponsored award, the fees must be charged proportionally to those awards (or charged to an unrestricted PTA).
- If the individual for whom visa fees are being charged works for less than 12 months on the federal award(s) paying the fees, the costs are unallowable.
- Use of federal awards to pay visa fees may require an export compliance review (particularly when using JPL or DOD funds)

Examples

- A post doctoral candidate has been recruited by Caltech and her short-term visa fees (no premium processing) are to be charged to a PTA funded by the National Institutes of Health. How to determine allowability?
 - **Was this candidate hired through a recruitment process?**
 - If yes, proceed with the next question.
 - If no, you cannot charge the fees to a Federal award unless specifically budgeted and/or authorized by Federal agency in writing.
 - **Is the award subject to A-21/A-110 or the Uniform Guidance (UG)?**
 - If subject to A-21/A-110, the I-129 filing fee and the fraud detection and prevention fee are allowable under NIH rules as long as it meets the NIH Grant Policy statement
 - If subject to the UG, the costs are allowable as long as they meet the requirements - (critical and necessary to the project, allocable under cost principles, consistent with Caltech's cost accounting practices and policies, meet the definition of a direct cost in the regulation, and candidate works at least 12 months on the award)

Examples

- A post doctoral researcher whose title is being changed due to a promotion also has to renew his short-term visa (no premium processing fee). The PTA selected to charge those costs against is a Department of Defense award.
 - **Were these fees incurred as part of a recruitment?**
 - If no, the costs are unallowable if the change in employment status is not a recruitment.
 - If yes, review checklist questions.

Examples

- A visiting scholar will be working on several projects within the Division. The short-term visa fees associated with the visit will be charged to one PTA – a general budget PTA. Is this allowable?
 - Yes, because the general budget PTA is unrestricted.
- What if the PTA was a Federal PTA?
 - The costs may be allowable if he's working on the PTA selected but not totally allocable to that PTA. The fees may be allocable to more than one sponsored project. Questions to ask include:
 - Is the scholar working on any Federal awards?
 - If yes, how many and what regulations guide allowability of costs? Charge proportionally to the Federal PTAs.
 - If no, the costs are unallowable on a Federal PTA.