



U.S. Department of Justice
Immigration and Naturalization Service

HQ 70/6.2.2-P

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

November 30, 1999

MEMORANDUM FOR ALL REGIONAL DIRECTORS

FROM: Michael A. Pearson /s/
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Academic Honorarium for Visiting B Nonimmigrant Aliens.

This memorandum advises all Service officers of the October 21, 1998, enactment of the American Competitiveness and Workforce Improvement Act (ACWIA). Section 431 of ACWIA amended section 212 of the INA by noting:

“(q) Any alien admitted under section 101(a)(15)(B) may accept an honorarium payment and associated incidental expenses for *usual academic activity* or activities (lasting not longer than 9 days at any single institution), as defined by the Attorney General in consultation with the Secretary of Education, if such payment is offered by an institution or organization described in subsection (p)(1) and is made for services conducted for the benefit of that institution or entity and if the alien has not accepted such payment or expenses from more than 5 institutions or organizations in the previous 6-month period.”

Section (p)(1) defines institutions and organizations as:

“(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965), or a related or affiliated nonprofit entity; or
(B) a nonprofit research organization or a Government research organization...”

While the provisions noted above were effective upon enactment, the Service has yet to publish regulations allowing for implementation. Therefore, aliens may apply for admission in order to participate in academic activities where honorarium may be awarded. Until the Service issues regulations, no new restrictions or new documentary requirements should be placed on any arriving aliens bearing either a B-1 or B-2 visa, aliens arriving from Visa Waiver Pilot Program countries, or aliens exempt the documentary requirements of 8 CFR § 212.1 that state the intent to participate in academic activities involving honorarium. The alien must also be otherwise eligible for admission to the United States.

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The HQ Office of Adjudications is drafting regulations that will implement the above noted provisions of ACWIA's section 431. Until publication in the Federal Register, Immigration Inspectors or Adjudications Officers with questions on this topic should contact HQ Staff Officer Craig Howie of the Office of Adjudications/Business and Trade Services Branch, by e-mail or on 202/353-8177.

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