Guidance on International Graduate Students Working from Overseas for Fall 2020
due to COVID-19

Please ascertain whether the student is currently in the United States.

• In a typical year, approximately 35-40% of international graduate student applications are submitted by students already located within the U.S. We therefore expect that some number of new graduate students for AY 20-21 are already in the country.
• In response to our survey of current international graduate students, of the 70% who responded, 93% indicated that they have remained in the U.S. for the spring semester.

If the student is currently in the United States but is considering returning to their home country (or traveling elsewhere outside of the U.S.) over the summer, please advise them of the following.

• U.S. embassies and consulates overseas have suspended routine operations, and are not currently scheduling interviews or processing student visas. Any student who will require a new entry visa to re-enter the U.S. should expect to face significant delays that may prevent them from returning to Indiana in time for the fall semester.
• In general, international travel is expected to remain significantly restricted in the coming months due to travel bans, reduced flights schedules, etc.
• They should contact the Office of International Services (Bloomington and regional campus students) or the Office of International Affairs (IUPUI) to confirm that they have the documents required to re-enter the United States.

For students currently located overseas
Will the student have a Student Academic Appointment (SAA)?

• If an IU unit hires someone to work from a foreign country, IU could be considered to have a local employee and be subject to a host of laws in that country, including:
  o Business registration laws
  o Tax and payroll laws
  o Social welfare benefit laws
  o Labor laws
  o Data protection laws

These laws vary significantly from country to country, and compliance can be very costly and time-consuming. For these reasons, IU does not permit the employment of individuals working in other countries. However, it is generally possible for IU 2 employees to work outside the United States on a temporary basis, although the relevant laws and regulations vary among countries.
• Normally the University would not permit students to perform SAA duties from overseas; however, the University is permitting such work to be conducted on a temporary basis if necessary due to visa processing delays and travel restrictions caused by the pandemic.

• If you intend for a student to perform some or all of the SAA duties temporarily from overseas in the event the student is unable to return to the U.S. for the Fall semester, please use the attached template in communicating with the student.

Please ascertain whether the student already has a U.S. bank account.
• Regardless of the student’s location, if the student has established a bank account in the United States, IU can pay the student for wages earned under the SAA through IU’s payroll system. (This does not eliminate the compliance risks but does make it easier for IU to pay the student.)
• If the student has not established a U.S. bank account, the preference is to defer payment until they are able to do so.
• Should it become necessary (for instance, if a student who has performed work is eventually unable to obtain an entry visa), it may be possible to transfer a one-time payment of funds into a foreign account. Please contact Jeff Goetz (jmgoetz@iu.edu) in the General Counsel’s office for approval to make such a transfer.

Does the SAA involve research responsibilities?
• To the extent an SAA involves research responsibilities, it is important to consider possible consequences under U.S. export control laws. IU’s export control office has issued guidance indicating that information taught in catalogued classes is not subject to export control restrictions, and therefore that remote teaching and learning in foreign countries raise no compliance issues. However, that guidance does not cover the remote conduct of research from outside the U.S. Restrictions on the ability to transfer proprietary or export-controlled data might limit such research activity, and would have to be considered on a case-by-case basis.
• For grant-funded research, please note that researchers working outside the United States may not be eligible for support under certain federal grants.

Is the student in a sanctioned country?
• Under no circumstance can IU permit an individual to work from one of the countries comprehensively sanctioned by the U.S.—currently, Iran, Cuba, North Korea, Syria, and Crimea (the Russian-controlled area of Ukraine).