



U.S. Department of Justice

Immigration and Naturalization Service

CO 214h-C

425 Eye Street N.W.
Washington, D.C. 20536

06 APR 1994

Ms. Martha Wailes
Indiana University
Office of International Services
Franklin Hall 306
Bloomington, Indiana 47405

Dear Ms. Wailes:

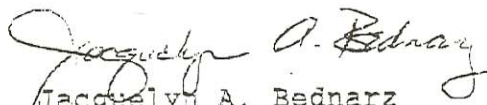
This refers to your letter of March 12 in which you request an advisory opinion concerning the legality of providing certain financial reimbursements to an H-1B nonimmigrant alien employed by another entity.

The employment of an H-1B nonimmigrant alien is specific to a particular employer and is limited to the terms of employment listed on the supporting petition. For example, an H-1B nonimmigrant alien petitioned for by an employer to work as accountant is not permitted to work for the petitioning employer as a secretary. The alien is permitted to perform only the duties specified by the petitioning company on the petition.

The Service realizes, however, that many H-1B nonimmigrant aliens, particularly in academia, may be asked by other entities to give speeches, lectures, etc. Although there is no formal written policy or regulation addressing this issue, these activities are not precluded if they are incidental to the alien's employment as an H-1B and, provided further, that the alien is not paid a wage or salary for his or her services and does not derive a monetary or other material gain from those activities. The question of whether or not an activity may be deemed to be incidental to an H-1B nonimmigrant alien's employment can only be determined on a case by case basis. The alien may be provided with transportation and reasonable, incidental living expenses.

I trust this response satisfactorily addresses your concerns.

Sincerely,


Jacquelyn A. Bednarz
Chief, Nonimmigrant Branch
Adjudications