Research Involving Foreign Nationals

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Background:

Foreign Nationals are individuals who are not U.S. citizens or Permanent Residents. At UF, these individuals are typically students and/or employees such as those individuals with J-1, F-1, H1B, E3, O1, or TN status.

Employment opportunities for international students are limited by regulations of the United States Citizenship and Immigration Services (USCIS) and the Department of State (DOS). Employment includes but is not limited to on campus, off campus, part time, full time, paid, externships, internships, co-ops, etc.

1. Can Foreign Nationals on F-1, J-1, H1B, E3, O1, or TN status participate in UF human subject research projects?

Yes, provided the research does not include monetary compensation.

2. What are the restrictions for participation of Foreign Nationals in research if they hold F-1, J-1, H1B, E3, O1 or TN status?

Students holding F-1 and J-1 status may work part-time on campus while classes are in session. "Part-time" means not more than 20 hours per week. However, because what constitutes a work week can be confusing, it is recommended that these individuals not participate in research involving compensation.

H1B, E3, O1, and TN status does not allow for any extra compensation other than the position approved by the USCIS, thus individuals holding H1B status should not participate in research involving compensation.

3. What types of compensation are prohibited?

Prohibited compensation includes monetary gift cards, food or beverage gift cards, and cash. Providing course credit or extra credit, or food items, such as candy bars, is not prohibited.

4. But aren’t the Foreign Nationals volunteering for the research?

Yes. However, while the issue of volunteering may seem clear-cut, it is actually a complex area in which immigration regulations and labor law intersect. Some of volunteer activities are legally acceptable, and some are not. If subjects are being compensated, this complicates the matter even further.

5. Does this also impact UF employees?

Yes, especially if those employees are Foreign Nationals.
6. **Are there any additional requirements for conducting research involving Foreign Nationals?**

   Yes. Research, including online surveys, that involves compensating research subjects where those subjects may include Foreign Nationals should include the following prominently-placed language in the consent form.

   If you are a Foreign National with J-1, F-1, H1B, E3, O1 or TN status, you are urged not to participate in this research study. Participating and receiving compensation could put your immigration status in jeopardy. If you have F1 or J1 status and have questions, please contact the UF International Center. If you have H1B, E3, O1 or TN status, contact Immigration and Compliance Services.

7. **Where can I find additional guidance on compensating Foreign Nationals for their participation in research?**

   The UF International Center and UF Tax Services.