

Name Image & Likeness for International Students

Most international students at VCU have F-1 status. Therefore this brochure focuses on F-1 student-athletes and relates to NIL employment opportunities. F-1 student-athletes are generally barred from engaging in employment or commercial activities in the United States. **FOR ALL NIL EMPLOYMENT OPPORTUNITIES, INTERNATIONAL STUDENT-ATHLETES SHOULD CONSULT WITH AN International Student Office ("ISO") ADVISOR AND/OR AN IMMIGRATION ATTORNEY BEFORE UNDERGOING THE ACTIVITY TO ENSURE COMPLIANCE WITH THEIR F-1 STATUS.** Student-athletes with other immigration statuses should consult VCU ISO and/or legal counsel of the student-athletes choosing regarding their immigration status before undertaking NIL activity. Additionally, all potential NIL agreements are subject to the relevant NCAA rules, Virginia State law, and VCU athletic policy.



Questions to ask yourself about a potential NIL agreement

1. Does the proposed NIL activity take place within the United States?

An NIL activity that takes place within the U.S. is considered unauthorized self-employment and could jeopardize visa status. Activities that take place outside the U.S. are not examined by U.S. immigration. However, such agreements are still subject to local law and taxes.

2. Will the proposed NIL activity be classified as passive or active income?

Active income is generated by engaging in work or performing an activity for compensation. **Active income** does threaten immigration status. **Passive income** is generated without continuing to engage or perform the activity for payment; rather, you are receiving payment for services or actions you have already performed. An example of passive income would be royalties from a licensing agreement. Group licensing agreements would likely be considered passive as the only activity performed by the student-athlete is their 'opting-in' to the licensing agreement.

Examples

Any of the following activities, if performed within the U.S., WOULD jeopardize a student-athlete's F-1 Status.

- Commercials or Product Endorsements
- Personal Appearance at an Event Private Lessons or Private Camps/Clinics
- Signing Autographs
- Establishing a Business to Sell Products and/or Services

Any of the following activities, if performed outside the U.S., WOULD NOT jeopardize a student-athletes' F-1 Status.

- Commercial, photoshoot, or similar promotional material, shot or created in the student-athlete home (or similar non-U.S. location). Promotional material can even be used in the U.S. provided the student-athlete does not perform any action within the U.S. to promote the marketing campaign.
- Providing lessons or instruction for compensation
- speaking engagements
- Signing autographs

The Brandr Group

VCU has entered into an agreement with The Brand Group to help facilitate group licensing opportunities for student-athletes. Athletes may 'opt-in' to the program, so their name and number might be used in upcoming merchandise. A percentage of the royalty from each product sold would be returned to the student-athlete.

Risks

There is no official guidance from U.S. government agencies on how universities and their student-athletes should navigate NIL agreements. Immigration officials at U.S. embassies and consulates might see promotional materials featuring a student-athlete and deem the promotional activity a violation of the student's immigration status. Because of these potential ramifications, international student-athletes should carefully consider all potential NIL opportunities presented to them.

Accepting payment in a U.S. versus an international bank account for activities performed outside of the United States

One Time Payments/Active Income

- International student-athletes may receive active income in a U.S. bank account for work performed outside the U.S.; however, there may be tax implications.
- International student-athletes may receive payment in an international bank account for work performed outside the U.S.

Royalties/Passive Income

- Int'l student-athletes MAY be allowed to receive payment in a U.S. or international bank account from work performed outside the U.S.
- For example allowing third parties to sell merchandise in exchange for a royalty MAY be permissible.

- International student-athletes CANNOT promote the activity, business, or product inside the U.S. in any way, including on social media posts.
- Potential contracts should be reviewed by an immigration attorney to ensure all requirements and income are allowed under current visa type.