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Public Health Service

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June 15, 2007

TO: IC Directors, Scientific Directors, Executive Officers, Administrative Officers, HR Branch Chiefs

FROM: Deputy Director for Intramural Research

SUBJECT Clarification on Personal Letters Written in Support of Immigration Visas

This memo is to clarify what is permissible when writing personal letters (not on NIH letterhead or signed using an official NIH title) in support of immigration visa applications. In brief, federal employees can generally submit personal letters of support without violating federal law, as long as the writer is not coerced or tutored and writes to provide his or her opinion based on personal knowledge of the applicant's work or character.

The specific relevant language in Title 18 U.S.C. section 205 states that federal employees cannot act "as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest." The Office of Government Ethics (OGE) interprets "agent" as one who is in some degree controlled by a principal, e.g. the person requesting the letter of support. Therefore, if you write your own personal opinion about an applicant's ability or character, as opposed, for instance, to signing a suggested letter offered by the applicant or another, you would not be acting as the applicant's agent.

The Division of International Services (DIS)/ORS is the only NIH office authorized to provide immigration services to foreign scientists at or coming to NIH, and to communicate officially with other agencies on immigration matters. As such, only DIS authorized staff may sign immigration petitions and related documents, unless others at NIH are specifically instructed by the appropriate DIS staff to do so.

We hope this clarification is helpful, will speed up applications, and will avoid embarrassment over inappropriate letters. Note that this memo does not supersede the policy issued in March 2005 regarding official Letters in Support of Visa Actions (http://ethics.od.nih.gov/topics/visa-ltr.htm).

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