

DEEMED EXPORT QUESTIONNAIRE

International Visiting Scholars and Nonimmigrant Employees

Overview: UCI and all members of the UCI community are required by federal law to comply with U.S. export control laws, sanctions, and embargoes when hosting, employing or otherwise engaging with non-immigrant foreign nationals, such as hosting exchange visitors. This questionnaire collects critical information to conduct a compliance assessment of proposed visa petitions and/or activities of foreign nationals. For questions, please contact the Export Control Office at exportcontrol@uci.edu.

This form should be completed and signed by the individual who will be supervising the visa beneficiary, or who is otherwise knowledgeable about the beneficiary's intended work. Please submit completed form and the visa beneficiary's CV/resume to the [Export Control Office](#). It is incumbent upon the sponsoring department to notify the International Center and the [Export Control Office](#) of any material changes to the visa applicant's job duties, which would require filing an amended petition.

SECTION 1: FACULTY SPONSOR / SUPERVISOR INFORMATION

First & Last Name: _____ Email: _____

Department: _____ Title: _____

SECTION 2: VISA BENEFICIARY INFORMATION

First, Middle, & Last Name: _____ Country of Citizenship: _____

Visa Type: _____ Extension: _____ Home Institution (J-1 visas): _____

Funding Source (J-1 visas): ☐ Home Institution ☐ Personal Savings ☐ Grant/Contract: _____

☐ Home Government: _____ ☐ Other: _____

UCI Title: _____ Department: _____

SECTION 3: WILL THE VISA BENEFICIARY WORK IN ONE OF THE FOLLOWING AREAS?

- Claire Trevor School of the Arts
- School of Humanities
- School of Social Ecology
- The Paul Merage School of Business
- School of Education
- School of Law
- School of Social Sciences

☐ **YES** (Please sign & date form below, and submit to exportcontrol@uci.edu along with the visa beneficiary's CV/resume)

☐ **NO** (Proceed to Sections 4-6)

I am familiar with the job duties and other particulars of appointment of the beneficiary listed above and hereby affirm that the contents of the foregoing are true to the best of my knowledge, information, and belief. I further understand that failure to accurately complete this questionnaire can result in U.S. government export control violations for which civil and criminal penalties can be assessed against any individual (including a Principal Investigator) found to have caused or facilitated a violation, and/or against the University of California.

Signature: _____

Date: _____

Complete Sections 4-6 only if the response to Section 3 is NO. Please submit completed form and the visa beneficiary's CV/resume to exportcontrol@uci.edu.

SECTION 4: SPONSORED RESEARCH PROJECTS

Will the visa beneficiary work on any sponsored research projects? ☐ No ☐ Yes

If yes, please provide the Sponsor(s) AND Account/Fund Number(s) or Award Number(s):

Sponsor: _____ Fund or Award #: _____

Sponsor: _____ Fund or Award #: _____

Sponsor: _____ Fund or Award #: _____

SECTION 5: JOB DUTIES

In performing the work under the visa, will the beneficiary be provided access to:	NO	YES
Technology or Technical data identified as "export controlled?"		
Sponsor or third-party proprietary or confidential information, materials, software?		
Encryption source code?		
Equipment specifically designed or developed for military (ITAR) or space applications?		
In performing the work under the visa, will the beneficiary work on any sales & service agreements?		

For international visiting scholars (J-1 visas): Describe the nature and purpose of the visit.

For nonimmigrant employees (H1B, O-1 visas): Provide scope of work (job description or page 2 of the ETA Form 9141 may be attached).

SECTION 6: FACULTY SPONSOR / SUPERVISOR ATTESTATION

I am familiar with the job duties and other particulars of appointment of the beneficiary listed above and hereby affirm that the contents of the foregoing are true to the best of my knowledge, information, and belief. I further understand that failure to accurately complete this questionnaire can result in U.S. government export control violations for which civil and criminal penalties can be assessed against any individual (including a Principal Investigator) found to have caused or facilitated a violation, and/or against the University of California.

Signature: _____ Date: _____

SECTION 7: EXPORT CONTROLS APPROVAL *(Office of Research Use Only)*

FOR J-1 VISA APPLICATIONS

- ☐ Export Controls review has been completed. Please submit form with the rest of the J-1 documents to the International Center.

Reviewed by: _____ Date: _____

FOR H-1B & O-1 PETITIONS (I-129 EXPORT CONTROL CERTIFICATION)

Based on the information provided, the following applies for the visa beneficiary:

- ☐ A license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person.
- ☐ A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.

Reviewed by: _____ Date: _____

GLOSSARY OF TERMS

Deemed Export: Any release of "technology" or source code subject to the Export Administration Regulations (EAR) to a foreign national. Such release is deemed to be an export to the home country or countries of the foreign national. This deemed export rule does not apply to persons lawfully admitted for permanent residence in the United States and does not apply to persons who are protected individuals under the Immigration and Naturalization Act (8 U.S.C. 1324b (a)(3)). Any release of any item to any party with knowledge a violation is about to occur is prohibited by Section 736.2(b)(10) of the EAR.

Development: "Development" is related to all stages prior to serial production, such as: design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, layouts.

Export Control: The federal government's use of regulations and licensing requirements to manage exportation of commodities and information to countries outside the U.S.; manage the sharing of commodities and information with foreign nationals who are residing in the U.S.; and regulate travel to or activities involving sanctioned or embargoed countries.

Production: Means all production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, and quality assurance.

Technical Data: Information other than software, which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, documentation, instructions, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories.

Technology: Specific information necessary for the "development," "production," or "use" of a commodity subject to the EAR. The information takes the form of "technical data" or "technical assistance."

Use: Operation, installation (including on-site installation), maintenance (checking), repair, overhaul, and refurbishing.

ITEMS SUBJECT TO EXPORT REGULATIONS:

<u>Commerce Control List (CCL)</u>	
Category 0	Nuclear Materials, Facilities & Equipment
Category 1	Materials, Chemicals, Microorganisms, & Toxins
Category 2	Materials Processing
Category 3	Electronics
Category 4	Computers
Category 5	Part 1 - Telecommunications
Category 5	Part 2 - Information Security
Category 6	Sensors & Lasers
Category 7	Navigation & Avionics
Category 8	Marine
Category 9	Aerospace & Propulsion

<u>United States Munitions List (Defense Articles)</u>	
Category I	Firearms & Related Articles
Category II	Guns & Armament
Category III	Ammunition and Ordnance
Category IV	Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, & Mines
Category V	Explosives & Energetic Materials, Propellants, Incendiary Agents, & Their Constituents
Category VI	Surface Vessels of War & Special Naval Equipment
Category VII	Ground Vehicles
Category VIII	Aircraft & Related Articles
Category IX	Military Training Equipment & Training
Category X	Personal Protective Equipment
Category XI	Military Electronics
Category XII	Fire Control, Laser, Imaging, & Guidance Equipment
Category XIII	Materials & Miscellaneous Articles
Category XIV	Toxicological Agents, Incl. Chemical Agents, Biological Agents, & Associated Equipment
Category XV	Spacecraft & Related Articles
Category XVI	Nuclear Weapons Related Articles
Category XVII	Classified Articles, Technical Data, & Defense Services Not Otherwise Enumerated
Category XVIII	Directed Energy Weapons
Category XIX	Gas Turbine Engines & Associated Equipment
Category XX	Submersible Vessels & Related Articles
Category XXI	Articles, Technical Data, & Defense Services Not Otherwise Enumerated