

# University Export Control Program

## Export Control Determination

The U.S. Citizenship and Immigration Services (USCIS) requires an export control review and certification. A section has been added requiring certification that any technology or technical data released to a prospective **H-1B, H-1B1 (Chile & Singapore), L-1, or O-1A visa** applicant during the period of his/her employment **will or will not** require a license from the U.S. Department of Commerce or the U.S. Department of State. **In order to complete the I-129, export control issues must be assessed by the Responsible Party who will be supervising the foreign national employee/applicant.**

Before answering the following questions, it is important you review the information on the export control website at <http://orcr.arizona.edu/ec>. A basic export control training module is also available at <https://orcbs.arizona.edu/train>. **Form I-129 states you must “certify” you reviewed the export regulations and determined that a license is required or is not required.** Your answers below will help determine if an export license will or will not be needed for the foreign national employee/applicant. If you have questions about export controls or the questions below, email the University Export Control Program (UECP) at [export@email.arizona.edu](mailto:export@email.arizona.edu).

Name of Applicant: _____	Citizenship: _____												
<p>1. Has a Visual Compliance screening of applicant been completed? <span style="float: right;">___ Yes ___ No</span>  <b><i>If negative results received, stop application process and forward to UECP.</i></b></p>													
<p>2. Is the applicant an Iranian citizen?  <b><i>If the applicant is from Iran, special restrictions apply related to technology and software. Contact UECP before proceeding.</i></b> <span style="float: right;">___ Yes ___ No</span></p>													
<p>3. Will the applicant be involved in a project that has or will have a technology control plan? <span style="float: right;">___ Yes ___ No</span></p>													
<p>4. Will the applicant be involved with a project that:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">a. Has restrictions on the release of certain project information?</td> <td style="text-align: right;">___ Yes ___ No</td> </tr> <tr> <td>b. Has publication or access and dissemination restrictions?</td> <td style="text-align: right;">___ Yes ___ No</td> </tr> <tr> <td>c. Has a military connotation or end-use?</td> <td style="text-align: right;">___ Yes ___ No</td> </tr> <tr> <td>d. Is sponsored by a defense agency?</td> <td style="text-align: right;">___ Yes ___ No</td> </tr> <tr> <td>e. Is related to space, missile technology, or biological/chemical weapons?</td> <td style="text-align: right;">___ Yes ___ No</td> </tr> <tr> <td>f. Requires foreign national approval by sponsor or no foreign nationals are allowed?</td> <td style="text-align: right;">___ Yes ___ No</td> </tr> </table>		a. Has restrictions on the release of certain project information?	___ Yes ___ No	b. Has publication or access and dissemination restrictions?	___ Yes ___ No	c. Has a military connotation or end-use?	___ Yes ___ No	d. Is sponsored by a defense agency?	___ Yes ___ No	e. Is related to space, missile technology, or biological/chemical weapons?	___ Yes ___ No	f. Requires foreign national approval by sponsor or no foreign nationals are allowed?	___ Yes ___ No
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<p>5. Will the applicant have access to ITAR controlled data, technology, materials, information, software, or equipment? <span style="float: right;">___ Yes ___ No</span></p>													
<p>6. Will the applicant have access to EAR controlled technology or encryption software code? <span style="float: right;">___ Yes ___ No</span></p>													

**IF YOU ANSWERED YES** to question 2 contact UECP for further review. **IF YOU ANSWERED YES** to 3-6, please sign below and send this form and the Export Control Certification form to the University Export Control Program (UECP) at [export@email.arizona.edu](mailto:export@email.arizona.edu) to determine if a government authorization will be required.

**Your signature below certifies the information you provided above is true and correct, that you have reviewed the export control regulations, and if a license is required, the Applicant will not receive technical data/technology or use certain export-controlled equipment until the appropriate government license is received. Notification of approved license will be provided by UECP.**

\_\_\_\_\_  
Name/contact number of Responsible Party

\_\_\_\_\_  
Responsible Party Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department

\_\_\_\_\_  
Departmental Signature  
(Dean, Assoc Dean for Research, or Dept Head)

\_\_\_\_\_  
Date

**FOR COMPLETION BY UNIVERSITY EXPORT CONTROL PROGRAM:**

Prior government authorization (an export license) is required for this Applicant.

\_\_\_ Yes \_\_\_ No

\_\_\_\_\_  
University Export Control Program

\_\_\_\_\_  
Date

## EXPORT CONTROL CERTIFICATION

This form must be completed by the Responsible Party (RP) who will supervise the foreign national employee. Once completed it must be submitted to International Faculty & Scholars with the H-1B or O-1 Request.

International Faculty & Scholars is unable to file any H-1B or O-1 petitions (new, transfers, extensions, amendments, etc.) without this form signed by the RP. USCIS implemented Certification of Export Control effective February 20, 2011.

Foreign National Name: \_\_\_\_\_ Position Title: \_\_\_\_\_

Hiring Department: \_\_\_\_\_ RP Name: \_\_\_\_\_

RP Phone Number: \_\_\_\_\_ RP Email Address: \_\_\_\_\_

If you have questions regarding Export Control compliance, please contact the Export Control Office at 626-5338. If you have questions regarding Immigration compliance.

### **Part 6. Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States**

(For H-1B, H-1B1 Chile/Singapore, L-1, and O-1A petitions only. This section of the form is not required for all other classifications. See Page 3 of the Instructions before completing this section.)

**Check Box 1 or Box 2 as appropriate:**

With respect to the technology or technical data the petitioner will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

- 1. A license is not required from either U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; or
- 2. 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.

### **SIGNATURE OF THE RESPONSIBLE PARTY**

*"Pursuant to 28 USC §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title of Responsible Party

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

