

## DEEMED EXPORT QUESTIONNAIRE

### International Visiting Scholars (J-1 Visa) and Nonimmigrant Employees (H-1B, H-1B1, L-1, or O-1A)

**Important Information:** The Export Administration Regulations ("EAR") (15 CFR Parts 770-774) and the International Traffic in Arms Regulations ("ITAR") (22 CFR Parts 120-130) require U.S. employers to seek and receive authorization from the U.S. government before releasing to foreign persons in the U.S. export controlled technology or technical data. Under both the EAR and the ITAR, release of controlled technology or technical data to foreign persons in the U.S. is deemed to be an export to that person's country or countries of citizenship or residence. One implication of this rule is that a U.S. employer must seek and receive an export license from the U.S. government before it releases controlled technology or technical data to its nonimmigrant workers employed as H-1B, H-1B1, L-1 or O-1A visa beneficiaries.

The U.S. government also requires that each U.S. employer certify that: (1) it has determined whether an export license is required, and (2) if an export license is required, that the employer will not release or otherwise provide access to export controlled technology or data to the visa beneficiary until it has received the required authorization from the U.S. government to do so. In the case of J-1 Visa Visiting Scholars, the institution is also required to determine whether the J-1 visa candidate will be exposed to export controlled items or technology.

***This form contains critical information to conduct a compliance assessment consistent with U.S export control laws.*** Failure to comply with export control regulations may lead to significant civil and/or criminal penalties, denial of export privileges, and/or debarment from U.S. government contracts for both individuals found to have caused or facilitated a violation and for Wake Forest University.

***This form should be accurately completed and signed by the individual who will be supervising the visa beneficiary (e.g., PI, supervisor, etc.), or who is otherwise knowledgeable about the visa beneficiary's intended work.*** Please submit the completed form and the visa beneficiary's CV/resume to the [rsrchsec@wfu.edu](mailto:rsrchsec@wfu.edu).

#### 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: \_\_\_\_\_

WFU Title: \_\_\_\_\_ Department: \_\_\_\_\_

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

- Biomedical Sciences
- Space or Space Launch Sciences
- Any Engineering or Scientific Discipline
- Computer Sciences
- Forensic Sciences

☐ **NO** Please sign & date form in Section 3 below, and submit to [exportcontrol@wfu.edu](mailto:exportcontrol@wfu.edu) for review, along with the visa beneficiary's CV/resume)

☐ **YES** (Proceed to Sections 4-6 of form )

Section 3 Faculty Supervisor Attestation: I am familiar with the job duties and other particulars of appointment of the visa beneficiary listed above and hereby affirm that the contents of the foregoing are true to the best of my knowledge, information, and belief.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Complete Sections 4-6 only if the response to Section 3 is YES. Please submit the completed form and the visa beneficiary's CV/resume to [exportcontrol@wfu.edu](mailto:exportcontrol@wfu.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 (attach additional sheets as needed):

Sponsor: \_\_\_\_\_ Fund or Award #: \_\_\_\_\_

Sponsor: \_\_\_\_\_ Fund or Award #: \_\_\_\_\_

Sponsor: \_\_\_\_\_ Fund or Award #: \_\_\_\_\_

In performing the work under the visa, will the visa beneficiary be working under a sponsored research agreement that:	NO	YES
<ul style="list-style-type: none"> <li>Restricts or prohibits publication of the research results, or requires the sponsor's prior approval of proposed publications (except for the sponsor's right to review the intended publication for removal of proprietary or confidential information that is exempt from publication)?</li> </ul>		
<ul style="list-style-type: none"> <li>Restricts or prohibits participation of foreign nationals or non-U.S. persons from participating in research?</li> </ul>		

#### SECTION 5: JOB DUTIES

In performing the work under the visa, will the visa beneficiary be provided access to:	NO	YES
<ul style="list-style-type: none"> <li>Technology or technical data or information stamped or identified as "export controlled?"<sup>1</sup></li> </ul>		
<ul style="list-style-type: none"> <li>Sponsor or third-party proprietary or confidential information, materials or software subject to a non-disclosure agreement or confidentiality agreement?</li> </ul>		
<ul style="list-style-type: none"> <li>Encryption or cryptography source code?</li> </ul>		
<ul style="list-style-type: none"> <li>Equipment, materials, software or technical data designed or developed for military (ITAR) or space applications?</li> </ul>		

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

**For nonimmigrant employees (H-1B, H-1B1, L-1 O-1 visas):** Provide brief explanation of work assignment(s) and/or scope of work (job description or page 2 of the ETA Form 9141 may be attached).

#### SECTION 6: FACULTY 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.

<sup>1</sup> See "Relevant Additional Information" section at end of form for additional information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 7: EXPORT CONTROLS APPROVAL** *(Office of Research & Sponsored Programs/Compliance 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 ISS.

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR H-1B, H-1B1, L-1 & 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 visa beneficiary and WFU will prevent access to the controlled technology or technical data by WFU until and unless WFU has received the required license or other authorization to release it to the visa beneficiary.

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**RELEVANT ADDITIONAL INFORMATION**

The following are general categories of information or materials subject to the EAR and ITAR export control regulations:

<u>Commerce Control List (CCL)</u>	<u>United States Munitions List (Defense Articles)</u>
Category 0 Nuclear Materials, Facilities & Equipment	Category I Firearms & Related Articles
Category 1 Special Materials, Chemicals, Microorganisms, & Toxins	Category II Guns & Armament
Category 2 Materials Processing	Category III Ammunition and Ordnance
Category 3 Electronics	Category IV Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, & Mines
Category 4 Computers	Category V Explosives & Energetic Materials, Propellants, Incendiary Agents, & Their Constituents
Category 5 Part 1 - Telecommunications	Category VI Surface Vessels of War & Special Naval Equipment
Category 5 Part 2 - Information Security	Category VII Ground Vehicles
Category 6 Sensors & Lasers	Category VIII Aircraft & Related Articles
Category 7 Navigation & Avionics	Category IX Military Training Equipment & Training
Category 8 Marine	Category X Personal Protective Equipment
Category 9 Aerospace & Propulsion	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

For questions, please contact the Office of Sponsored Research & Programs or [exportcontrol@wfu.edu](mailto:exportcontrol@wfu.edu). Additional information about WFU's export control program is available at <https://research.wfu.edu/export-controls/>.