

Export Control Questionnaire for Visa Application

SECTION A

Purpose of Questionnaire

United States export control laws prohibit foreign nationals from receiving information concerning certain technologies to protect U.S. trade and to ensure national security. If an American University visa applicant's studies or work involves these certain technology and technical data, an export license from the Departments of Commerce, State, or Treasury may be required, unless there is an applicable exemption. As part of the visa application process for an H1B nonimmigrant employee ("Beneficiary"), the U.S. Citizenship and Immigration Service ("USCIS") requires American University to complete a "deemed export attestation". A "deemed export" occurs when controlled technology or technical data is released to a foreign national in the United States, and this release is considered an export of the technology or technical data to the foreign national's country of birth or residence. AU will be required to certify that the University has reviewed the export control laws and determined either 1) an export license is not required or 2) an export license is required and that the University will not release technology and controlled data to the foreign national until such a license has been obtained.

This questionnaire is intended to provide the export control reviewer (Risk Management Office) with enough information to assist in evaluating whether an export license is required or if further information may be necessary to make this determination. Therefore, it is critical that the hiring unit provide complete and accurate information about the Beneficiary and his or her work responsibilities.

Failure to comply with the export control regulations may lead to significant civil and/or criminal penalties up to \$250,000 per violation, criminal penalties up to \$ 1,000,000 per violation; prison term up to 20 years; denial of export privileges; and debarment from U.S. government contracts.

SECTION B

Instructions

- 1. This questionnaire should be completed/signed by the person who will be supervising the visa applicant or Beneficiary, or who is otherwise knowledgeable about the Beneficiary's intended work, area of research, and projects throughout the term of the Beneficiary's AU employment.** For faculty and staff (working on research activities), the required signatories of this form include department head/direct supervisor, the Dean, and VP of Graduate Studies and Research. All other staff, the required signatories of this form include the department head/direct supervisor and responsible Vice President.
2. Use additional sheets as needed to answer each question.
3. Departmental personnel should retain a copy of the completed and signed Questionnaire for their records.
4. Submitted completed form to Risk Management at 3201 New Mexico Avenue, Suite 350, Washington, DC 20016-8151, by fax to (202)885-3278, or as a pdf to anewman@american.edu. Risk Management will make a recommendation to the academic unit dean or department head regarding whether an export license is required. Risk Management will return the completed questionnaire along with a recommendation regarding export control licensing to the academic unit dean or department head, with a copy to the Office

of General Counsel.

5. Questions about the application of export control laws to the Beneficiary's activities should be directed to either Risk Management (Tony Newman, Director, Risk Management & Environmental Health & Safety Services, (202)885-2706) or the Office of General Counsel (Bethany Bridgham, Sr. Associate General Counsel, (202)885-3252).

7. Questions about the visa application process should be directed to the Office of General Counsel (Thi Nguyen-Southern, Associate General Counsel, (202)885-3297).

SECTION C

The following questions should be answered by the person who will be supervising the Beneficiary, or who is otherwise knowledgeable about the Beneficiary's intended work.

1. Beneficiary's name: Click here to enter text.
2. Beneficiary's Date of Birth: Click here to enter text.
3. Beneficiary's Country of Birth: Click here to enter text.
4. Beneficiary's Country(ies) of Citizenship: Click here to enter text.
5. Beneficiary's Country of legal permanent residence: Click here to enter text.
6. Beneficiary's Country of most recent residence: Click here to enter text.
7. Anticipated Start Date: Click here to enter text.
8. Provide the Beneficiary's curriculum vitae.
Click here to enter text.
9. Provide a detailed job description, areas of research, and whether the research results will be taught, published, or otherwise shared with the interested public.
Click here to enter text.
10. Does the Beneficiary's AU work (e.g., research) involve a country that is subject to U.S. economic sanctions¹, on the EAR "Embargoed Country List"², on the ITAR "Embargoed Country List"³ or a person or entity on the U.S. government denied persons lists⁴?
 no yes (explain)
Click here to enter text.

¹ <http://www.treasury.gov/offices/enforcement/ofac/programs/index.shtml>

² <http://w3.access.gpo.gov/bis/ear/pdf/746.pdf>

³ http://www.access.gpo.gov/nara/cfr/waisidx_02/22cfr126_02.html

⁴ http://www.export.gov/ecn/eg_main_023148.asp

11. Licenses from the Department of Commerce may be required for foreign nationals who are working on projects that involve “dual-use” technologies that have potential applications to military/terrorist/criminal purposes in addition to the usual commercial uses. Does the intended work of the Beneficiary fall into any of the broad categories listed in Note 1?

No Yes- please explain
Click here to enter text.

If yes, was any item(s), information or software to be shared, transmitted or transferred to the Beneficiary developed under a sponsored agreement or government contract imposing publication restrictions beyond a brief review (up to 90 days) for patent protection and/or inadvertent release of confidential/proprietary information?

No Yes- please explain
Click here to enter text.

12. Has an external sponsor, vendor, collaborator or other third party required the signing or execution of a **Non-Disclosure Agreement or a Confidentiality Agreement**, or similar agreement that prevents publication of or transfer of the item(s), information or software that will be shared, shipped, transmitted or transferred to the Beneficiary?

No Yes – please explain
Click here to enter text.

13. Licenses from the Department of State may be required for foreign nationals who are working on projects that involve technologies that are listed on the United States Munitions List (USML) that have potential military or space applications. Does the intended work of the Beneficiary fall into any of the broad categories listed in Note 2?

No Yes- please explain
Click here to enter text.

If yes, is the USML-listed items, information or software being shared, transmitted, or transferred to the visa applicant either **published, patented or generally accessible and available** to the public?

Yes No- please explain
Click here to enter text.

14. Will the Beneficiary be receiving, sharing, transmitting, or transferring AU-developed encryption software and/or traveling outside of the country with such software?

No Yes- please explain
Click here to enter text.

15. Do you know or have any reason to believe that the item, information, or software to be shared with the Beneficiary will support the design, development, production, stockpiling, or use of a nuclear explosive device, chemical or biological weapons, or missiles?

No Yes/ maybe- please explain

[Click here to enter text.](#)

16. List all grants (if known at this time) that Beneficiary will be working on:

[Click here to enter text.](#)

**Attestation as to Accuracy
of the American University Export Control Questionnaire for Visa Application**

I work, or will work, in a capacity that enables me to anticipate the particulars of the employment of [Click here to enter text.](#) (“Beneficiary”), a citizen of [Click here to enter text.](#), should he/she be granted permission from the U.S. Government to work within American University. I affirm that the contents of the foregoing Questionnaire are true, to the best of my knowledge, information, and belief. If at any time during Beneficiary’s employment I become aware that technology or technical data have/are/or will be released to Employee in ways that were not anticipated by my answers to the Questionnaire, I will immediately notify the Vice Provost for Graduate Studies & Research and the Office of Risk Management.

[Click here to enter text.](#)

Certifier’s Name and Position Title

Certifier’s Signature

[Click here to enter text.](#)

Date

Completed by additional certifier if needed:

[Click here to enter text.](#)

Certifier’s Name and Position Title

Certifier’s Signature

[Click here to enter text.](#)

Date

Completed by additional certifier if needed:

[Click here to enter text.](#)

Certifier’s Name and Position Title

Certifier’s Signature

[Click here to enter text.](#)

Date

Risk Management Office's Recommendation as to Deemed Export Certification

In reliance upon the answers provided in the *Export Control Questionnaire* above, the AU Office of Risk Management ("RMO") recommends that, as to Part 6 of the I-129, which American University presently seeks to submit on behalf of [Click here to enter text.](#) (print name of foreign national), the most appropriate certification is as indicated below (check either box 1 or box 2).

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.

[Click here to enter text.](#)

Name of RMO Representative & Position Title

RMO Representative Signature

[Click here to enter text.](#)

Date

Note 1:

CCL list

- 0-Nuclear Materials, Facilities and Equipment and Miscellaneous
- 1-Materials, Chemicals, "Microorganisms," and Toxins
- 2-Materials Processing
- 3-Electronics
- 4-Computers
- 5-Telecommunications and Information Security
- 6-Lasers and Sensors
- 7-Navigation and Avionics
- 8-Marine
- 9-Propulsion Systems, Space Vehicles and Related Equipment

Note 2:

USML list

- Category I-Firearms
- Category II-Artillery Projectors
- Category III-Ammunition
- Category IV-Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines
- Category V-Explosives, Propellants, Incendiary Agents, and Their Constituents
- Category VI-Vessels of War and Special Naval Equipment
- Category VII-Tanks and Military Vehicles
- Category VIII-Aircraft, [Spacecraft] and Associated Equipment
- Category IX-Military Training Equipment
- Category X-Protective Personnel Equipment
- Category XI-Military [and Space] Electronics
- Category XII-Fire Control, Range Finder, Optical and Guidance and Control Equipment
- Category XIII-Auxiliary Military Equipment
- Category XIV-Toxicological Agents and Equipment and Radiological Equipment
- Category XV-Spacecraft Systems and Associated Equipment
- Category XVI-Nuclear Weapons Design and Test Equipment
- Category XVII-Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated
- Category XX-Submersible Vessels, Oceanographic and Associated Equipment
- Category XXI-Miscellaneous Articles