

University of Maine Office of Research Compliance

Deemed Export Worksheet & Attestation

Overview

UMaine and all members of the UMaine community are required by federal law to comply with United States (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 worksheet collects critical information for compliance assessment of proposed visa petitions and/or activities of foreign nationals.

Please complete this form and submit either an electronic or hard copy to the Office of Research Compliance. Hard copies can be submitted to 5703 Alumni Hall, Rm. 310, Orono, ME 04467. Electronic copies can be forwarded to um.export@maine.edu. Questions specific to Export Control Regulations or related to completing this form should be directed to um.export@maine.edu or to Amanda Ashe at (207) 581-1480. The export compliance staff will communicate directly with the host, sponsor, or supervisor to obtain additional information to complete the assessment.

Important Background

When filing an H-1B, H-1B1, L-1 or O-1A petition, the United States Citizenship and Immigration Services requires that an employer certify that (1) it has reviewed the Export Administration Regulations (EAR) administered by the U.S. Department of Commerce and the International Traffic in Arms Regulations (ITAR) administered by the U.S. Department of State, and (2) it has determined whether or not a license (prior authorization) is required from either of these Government agencies to allow foreign national employees access to export controlled items or technology (laboratory equipment/research instruments, materials, software or technology/technical data) controlled under the EAR or ITAR. The transfer or release to a foreign national of such items by any means is "deemed" to be an export to the foreign national's country of citizenship or permanent residence, potentially requiring an export license unless a particular authorized license exemption applies.

While petitions for other visa categories do not require an export control certification to the U.S. Government, the underlying export control compliance requirement of not allowing unauthorized foreign national access remains the same. This form should also be used to request the Office of Research Compliance conduct and document a license determination for all visa applicants (including J-1 and F-1) who will be employed or hosted by UMaine, paid or otherwise.

It is incumbent upon the sponsoring department to notify the Office of International Programs and the Export Control Officer in the Office of Research Compliance of any material changes to the visa applicant's job duties which would require filing an amended petition. This includes, but is not limited to work location, types of technology used in performance of their job duties, and foreign travel.

It is important that before starting to complete and signing the Deemed Export Worksheet the petitioner familiarize him/herself with Export Control Regulations, ECR exemptions, and the items which are subject to ECR as outlined in the EAR [Commerce Control List](#) (CCL) and ITAR [United States Munitions List](#) (USML). Petitioners may visit [Export Control on the ORC website](#) for more resources.

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Instructions

Please complete the worksheet below. The worksheet should be completed or signed by the individual with direct oversight of the visa applicant's (Beneficiary's) proposed work. *Questions should be directed to the Office of Research Compliance (um.export@maine.edu).*

Section A. Beneficiary Information

Beneficiary name: _____

Country of citizenship: _____

Country of legal permanent residency: _____

Country of most recent residency: _____

Foreign institution/entity affiliation (if any): _____

Applicant proposed hire date: _____

Visa type: H-1B F-1 J-1 Other If visa type is "Other," please list: _____

Section B. Sponsor Information

Name of sponsor (supervisor/Principal Investigator [PI]): _____

Name of sponsoring department: _____

Section C. Document Checklist

Job description

Beneficiary's curriculum vitae (CV)

Copies of Beneficiary's passport(s), as follows:

Pages Showing:	For Country(s) of Citizenship	Legal Permanent Residency (if applicable)
Issuing government		
Vital statistics		
Signature		
Photo		

Section D. Grant/Contract Information

Titles & PeopleSoft chartfields of all known grants/contracts on which this Beneficiary will work:

PeopleSoft Chartfield	Grant/Contract Title

Beneficiary Name: _____

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Section E. Work Information

Please provide a brief explanation of work assignment:

- 1) Will the visa applicant be working in one of the following areas: biomedical sciences, computer sciences, space or space launch sciences, or any engineering or scientific discipline? Engineering or scientific disciplines may include but are not limited to the following: Chemical, Electrical, Semiconductor, Materials Science, Physics, Mechanical, Geophysical, Marine, Astronomy, Nuclear, Artificial Intelligence or Robotics.

Select one:

No, the assignment will *not* involve, expose, or potentially expose the applicant to any scientific discipline identified above, or if involved in such scientific discipline, will be acting in a teaching-only capacity, with no research involvement. **Please sign and date this form below (Section F) and submit it to the Export Compliance Officer (ECO) in conjunction with your visa processing request.**

Yes, the assignment *will* involve, expose, or *potentially* expose the beneficiary to a scientific discipline (including but not limited to one or more of those listed above). You are required to check **all** the boxes for questions 2-5 below and sign and date at the bottom. If you do **not** have the information necessary to complete this certification, please contact the Office of Research Compliance (um.export@maine.edu) for guidance. **If, by virtue of the question, you are unable to check one of the following boxes, the ECO will work with you to further determine whether the work intended for the visa applicant requires prior export control authorization from a governing U.S. agency or requires a Technology Control Plan to temporarily or permanently restrict access by the beneficiary to only what is export controlled.**

- 2) The visa applicant will **not** be working under a sponsored research agreement (e.g., grant or contract) that restricts or prohibits the participation of foreign persons, i.e., there are no restrictive clauses pertaining to foreign nationals or non-U.S. person participating in the research.

I certify this to be true.

- 3) The visa applicant will **not** be working under a sponsored research agreement (e.g., grant or contract) that restricts or prohibits the research team's right to publish any of the data or research results, except for the sponsor's right to review and exclude from intended publication proprietary data that, under the terms of the Agreement, is exempt from publication.

I certify this to be true.

- 4) In performing the work under the visa, the visa applicant will **not** be provided access (whether or not actually required for his/her work assignment and whether through hard or soft copy) to:
- a. Technical data or information that has been stamped or otherwise designated by UMaine, external sponsor or collaborating institution as being "export controlled."

I certify this to be true.

Beneficiary Name: _____

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- b. Sponsor or third-party proprietary or confidential information, materials, or software that is the subject of a Non-Disclosure Agreement (NDA) or equivalent confidentiality agreement

I certify this to be true.

- c. Third-party, proprietary technology for the development of cryptography, or source code containing cryptographic functionality;

I certify this to be true.

- d. Third-party, proprietary information pertaining to the "use" or "development" or "production" of instruments, materials, software or scientific processes (technology) that is not in itself the subject or result of fundamental research eligible for publication.

For purposes of this question:

- i. "use" means that one or more of the following types of activities occur beyond merely operating a device or software: installation, maintenance, repair or overhaul/refurbishing.
- ii. "development" is related to all stages prior to serial production, such as: design research, design analysis, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, or configuration design.
- iii. "production" means product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.

I certify this to be true.

- 5) In performing the work under the visa, the visa applicant will not be provided access to research equipment, instruments, materials, software, and/or technical data in any form (e.g., blue print, sketches, specifications, documented technology, vendor operational manual/instructions, data results that is governed under the **ITAR**.

ITAR covers any item (equipment, instruments, materials, software, and/or technical data as exemplified above) specially designed, developed or modified for military, defense, or space applications) and may include such items whether procured from a vendor, or otherwise received by a research sponsor or collaborating research institution. For a list of the high level ITAR categories that identify such defense, military, and space items please see the [ITAR Munitions List](#). For purposes of this certification, "access" means any visual or physical access to the item, regardless of whether such access is actually required by the visa applicant to perform his/her work assignment.

(Note: Any technology that has been invented as the result of fundamental research and is the subject of a research publication (i.e., already in the public domain) may be exempt from this restriction, pending confirmation by the Export Control Officer. Please contact the Office of Research Compliance if there are any questions about whether such information meets this public domain standard.

I certify this to be true.

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Section F. Certifications and Approvals

Must be signed by the Beneficiary's direct supervisor/Principal Investigator(s) (PI), the Chair of the sponsoring department and applicable college Dean, or the unit Director. Signatures by other authorized personnel and/or designees are not permissible.

I hereby certify that I am personally knowledgeable with the job duties and other particulars of employment of the visa applicant listed above, and hereby affirm that the contents of the worksheet are true to the best of my knowledge, information, and belief.

I further understand that failure to accurately complete this worksheet can result in U.S. Government export control violations for which civil and criminal penalties can be assessed against (i) any individual (including a PI) found to have caused or facilitated a violation, and/or (ii) UMaine.

Supervisor/PI

Supervisor/PI – Printed Name: _____

Title: _____

Supervisor/PI – Signature: _____

Date: _____

Please add additional Certification pages if there are multiple Principal Investigators. If there is no Principal Investigator, or if the PI is also one of the signatories below, please note that in the signature box above.

Department Chair (if applicable)

Department Chair – Printed Name: _____

Title: _____

Department Chair – Signature: _____

Date: _____

Dean/Unit Director

Dean/Unit Director – Printed Name: _____

Title: _____

Dean/Unit Director – Signature: _____

Date: _____

Beneficiary Name: _____

University of Maine Deemed Export Attestation

The Office of Research Compliance, which administers the export control compliance program at the University of Maine, has reviewed the attached certifications and associated agreements and information submitted by Petitioner(s):

_____, Supervisor/PI; and

_____, Department Chair (if applicable); and

_____, Dean/Director;

for the Beneficiary, _____.

As of the date signed, and 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:

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; or

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.

Export Compliance Officer – Printed Name: _____

Export Compliance Officer – Signature: _____

Date: _____

Beneficiary Name: _____