**Application for Deemed Export Certification for USCIS I-129 Form**

**Introduction:**  U.S. Citizenship and Immigration Services added a deemed export certification to Form I-129, effective February 20, 2011, relating to foreign nationals / persons requiring H-1B or O-1 visas. Specifically, Part 6 now requires the petitioner (you and SUNY Buffalo or Research Foundation) to certify that the visa applicant (the foreign national) will be denied access to information, technology and/or technical data controlled under U.S. export control regulations until and unless a license allowing for such access is obtained from the appropriate federal agency.

For guidance and assistance in complying with deemed export certification and in providing the information requested here please contact your Department Export Control Liaison or the export controls office at exportcontrols@research.buffalo.edu

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| **Section 1: Administrative Information** |  |
| 1. Department and School Requesting Hire:
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| 1. Department or School Export Control Liaison:
 | The department liaison is usually someone who the export control office can contact if there are any questions. It is often the person who is filling out section 1 of this form. |
| 1. Telephone:
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| 1. Email:
 |       |
| 1. Name of Visa Applicant:
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| 1. Proposed Title:
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| 1. To Be Employed as: (Select One or More as necessary)
 | [ ]  Instructor/Professor[ ]  Researcher/Postdoctoral Associate[ ]  Medical Resident[ ]  Other (Specify)  |
| 1. Source of Salary:
 | [ ]  Research Foundation[ ]  SUNY (specify location)      [ ]  Other (specify)       |
| 1. Applicant’s Country of Citizenship:
 | If dual citizenship, list both |
| 1. Applicant’s Country of Residence:
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| 1. Telephone:
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| 1. Email:
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| 1. UB Visa Status:
 | [ ]  Initial Application at UB [ ]  Renewal at UB |
| 1. Expected Start Date:
 | For renewals, specify the day after the current visa expires |
| **Section 2: Work Scope Information** | These questions should be answered by the faculty member or administrator responsible for overseeing the employment of the visa applicant at SUNY Buffalo (usually the Department Chair for State lines or the PI on RF/UBF projects). The export control office can assist in determining the correct responses if necessary. |
| 1. Work Scope Information: Please provide a description of Project / Duties on which the applicant will work. Please include details of any controlled or restricted data and specialized equipment.
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| 1. Is all the technical information1 and technology utilized in the research projects or that the visa applicant will be teaching in the public domain?2

1Technical information and technical data does NOT include private information about individuals used in research or other activities such as protected health information (PHI) used in medical research or treatment.2Public Domain - in libraries, academic papers and journals, shared at conferences or seminars, patentable. | [ ]  Yes[ ]  **No** |
| 1. Are we able to and intend to freely publish the results of the research?
 | [ ]  Yes[ ]  **No** |
| 1. Are you aware of any restrictions on the applicant as to participation in any aspect of teaching, research, or other use of technology/items as a researcher/medical resident?
 | [ ]  **Yes**[ ]  No |
| 1. Will the applicant be provided access to any third-party owned technical data1 or technology that is considered proprietary/confidential to a third-party owner?

1Technical information and technical data does NOT include private information about individuals used in research or other activities such as protected health information (PHI) used in medical research or treatment. | [ ]  **Yes**[ ]  No |
| 1. Will the research involve any crypto-graphical source code that UB is developing or acquiring as a research tool?
 | [ ]  **Yes**[ ]  No |
| 1. Will the applicant be provided access to any technology or technical information on the [Commerce Control List](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=c5cc9a1c749a6f225283bdfa124431d0&rgn=div9&view=text&node=15:2.1.3.4.45.0.1.3.87&idno=15) in the Export Administration Regulations (EAR) of the U.S. Department of Commerce <https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl>?
 | [ ]  **Yes**[ ]  No |
| 1. Will the applicant have access to any “defense articles” that are currently listed on the U.S. Department of State Munitions List of the International Traffic in Arms Regulations (ITAR) <https://www.pmddtc.state.gov/regulations_laws/itar.html>?
 | [ ]  **Yes**[ ]  No |
| 1. If No to question 16 or 17 or Yes to 18-22 (i.e. the red options), please describe here:
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| 1. With respect to the technology or technical data that will be released or otherwise provided to the beneficiary, the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) have been reviewed and it has been determined that (Check one box only):
 | **[ ]** A license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release technology or technical data to the foreign person.**[ ]** A license is required from the U.S. Department of Commerce 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. |
| **Section 3: Attestation Statement** to be signed by the person responsible for overseeing the employment of the visa applicant at SUNY Buffalo(usually the Department Chair for State lines or the PI on RF/UBF projects). | By signing below I attest that I have sufficiently examined the anticipated occupational duties of the above applicant in order to ensure that the above information is correct. I also understand that beyond the visa application process I am responsible for:* Ensuring that the visa recipient has no unlicensed access to controlled research, technology or materials while working at UB.
* Being attentive to changes in the scope of the individual’s work such as;
	+ The introduction of new equipment or materials; or
	+ Project reassignments during the visa period
* Contacting the export controls office and updating the Deemed Export Attestation when access to controlled technology or materials will be necessary.3

3If the visa recipient will need to work with controlled research, technology or materials, a Technology Control Plan will need to be put in place to prevent access to these materials until any required licenses can be obtained through the departments of State and/or Commerce. |
| 1. Name of Principal Investigator(s) or Primary Administrator Signing this Attestation:
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| 1. **Signature and Date:**
 | Signature / Date |

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| **Section 4: Restricted Party Screening and Acceptance by Export Control Office.** | For Export Control Office Use Only |
| 1. Date of Screening:
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| 1. **Is the visa applicant identified on any restricted party list?**
 | [ ]  No [ ]  Yes (Describe in Notes below or attach additional sheets) |
| 1. Person Conducting Restricted Party Screening:
 | [ ]  The export control office staff member signing below. [ ]  Other. Specify if Other:       |
| 1. Notes:
 |       |
| Export Control Office Acceptance of the Attestation (Signature of a UB Export Control Empowered Official or Designated Export Control Staff Member): |