



Instructions for Deemed Export Certification on USCIS I-129 Form (Internal UB 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. The [Department of Commerce](#) controls dual-use technology (commercial and possible military applications) and the [Department of State](#) controls military technology and items.

The process for verifying that the Research Foundation, SUNY Buffalo and you are in compliance with export controls is coordinated by the Office of Vice President for Research with department and school administration. 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-

Richard Karalus, Director, Office of Research Compliance, (karalus@buffalo.edu), or-
Scott Shurtleff, SPS Team Leader, (scott.shurtleff@buffalo.edu).

Please provide the information requested in Sections 1 and 2 only.

Section 1: Petitioner Department-School / Applicant

<p>Department and School Requesting Hire:</p> <p>Department or School Export Control Liaison:</p> <p>Telephone / Email:</p>	
<p>Name of Visa Applicant:</p> <p>Proposed Title:</p> <p>To Be Employed as: (Select One or More as necessary)</p> <p>Source of Salary:</p> <p>Expected Start Date:</p> <p>Applicant's Country of Citizenship:</p> <p>Applicant's Country of Residence:</p> <p>Telephone / Email:</p> <p>Visa:</p>	<p>1) Instructor _____</p> <p>2) Researcher _____</p> <p>3) Medical Resident _____</p> <p>4) Other (specify) _____</p> <p>_____</p> <p>Research Foundation _____</p> <p>Award Number(s) _____</p> <p>SUNY (specify Location) _____</p> <p>Other (specify) _____</p> <p>Initial Application at UB ____ Renewal at UB ____</p> <p>Year _____</p>
<p>Principal Investigator(s) or Primary Administrator:</p>	

Work Scope Information:
Please provide a description of Project/Duties on which the applicant will work in the Notes Section. Please include details of any controlled or restricted data and specialized equipment.

**Section 2:
Access to Controlled Technology/Technical Data**

These questions are to be answered and signed off on by the Principal Investigator or other faculty, administrator responsible for overseeing the employment of the visa applicant at SUNY Buffalo. OVPR can assist in determining the correct responses if necessary.

- | | Yes | No |
|---|-----|-----|
| 1. Is all the information and technology utilized in the research project or that the visa applicant will be teaching in the public domain?¹ | ___ | ___ |
| 2. Are we able to and intend to freely publish the results of the research?
SUNY Publication Policy | ___ | ___ |
| 3. Are you aware of any restrictions on the applicant as to participation in any aspect of teaching, research or use of technology or items as a researcher or medical resident?
SUNY Policy on Foreign Nationals in Research | ___ | ___ |
| 4. Will the applicant be provided access to any third-party owned technical data or technology that is considered proprietary or confidential to the third-party owner? | ___ | ___ |
| 5. Will the research involve any crypto-graphical source code that UB is developing or acquiring as a research tool? | ___ | ___ |

¹ Public Domain - in libraries, academic papers and journals, shared at conferences or seminars, patentable.

6. Will the applicant be provided access to any technology or technical information on the [Commerce Control List](#) in the Export Administration Regulations (EAR) of the U.S. Department of Commerce? _____
7. Will the applicant have access to any “defense articles” that are currently listed on the [U.S. Department of State Munitions List](#) (USML on International Traffic in Arms Regulations - ITAR)? _____

If **No** to question 1 or 2 or **Yes** to 3--7, please describe in Notes Section.

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.	

Principal Investigator(s) / Primary Administrator	
Date	

Section 3: Restricted Party Screening

Restricted Party Screening (RPS) – to be completed by OVPR or other designated person.	Date of Screening	Yes	No
Is the visa applicant identified on any restricted party list? If Yes, specify.			
Name / title / office of person who conducted RPS:			

Empowered Official or Designee:	Richard Karalus – Director, Office of Research Compliance
Date	Designee –

Additional Resources (Research Foundation)

- [H-1B Petition for a Nonimmigrant Worker](#)
- [H-1B Visa Holder Employment](#)
- [Overview of Export Controls for Principal Investigators](#)

Federal Regulations

The regulations most pertinent to this issue are:

- U.S. Department of Commerce Export Administration Regulations (EAR)
 - Legislation: The Export Administration Act of 1979, as amended ([50 USC 2401-2420](#))
 - Regulation: Export Administration Regulations, [15 CFR 730-774](#)
- U.S. Department of State International Traffic in Arms Regulations (ITAR)
 - Legislation: The Arms Export Control Act, PL 90-629, as amended [22 USC 2778](#)
 - Regulation: International Traffic in Arms Regulations, [22 CFR 120-130](#)