

UNIVERSITY OF NORTH FLORIDA

Deemed Export Review Form

Visiting Foreign National

BACKGROUND

Under U.S. export control regulations, the release of technology or technical data to a foreign national in the U.S. is deemed to be an export to the individual's home country, even though the release occurs entirely within the United States. This concept is referred to as a "deemed export." The rationale behind this rule is that a release of technology or technical data to a foreign national is permanent and the individual could apply the knowledge upon return to his/her home country.

In some cases, a U.S. government export license is required prior to the release of technology or technical data to a foreign national. The license requirement is dependent on two factors: (1) the nature of technology that will be released to the foreign national; and (2) the foreign national's home country.

U.S. export control requirements are complex, especially in an academic setting. For example, Universities may work with a wide range of technologies in various research projects. Though Universities may be able to use a "publicly available" or "public domain" exemption (e.g. under the fundamental research provision) from U.S. export control requirements, the use of such exemption may be unavailable where the project is subject to publication or other restrictions.

Further, enforcement of U.S. export control regulations continues with fines up to \$1,000,000 and 20 years imprisonment in the most egregious cases.

Many foreign nationals employed at universities either don't conduct technology-related research or conduct only "fundamental research" or work with "educational information" which is not subject to EAR or ITAR license requirements. Even though such research may be fundamental, deemed export licenses may be required in the conduct of fundamental research if controlled technology or technical data is needed to generate fundamental research results.

This review form collects information that will help determine whether a person may be exposed to export controlled information in the course of his or her activities. Academic Affairs and the International Center must be in receipt of this completed and fully signed form before the application for J-1 visa will be processed.

SECTION I. General Information

| | | | |
|-----------------------------------|--|---------------------------------|--|
| Sponsoring Dept. | | Name of Foreign National | |
| Faculty Sponsor Name/Title | | Country of Citizenship | |
| Phone Number | | Area of Expertise | |
| Email | | Start and End Dates | |

Please provide a brief summary of the activities in which the foreign national is expected to be engaged.

Do you intend to request access to the network, Banner, the Library, recreational facilities, etc., for the intern? If YES, please specify the services and/or facilities for which access is requested.

SECTION II. Activity Review

| Will the foreign national be involved in any of the following? | Yes | No |
|--|-----|----|
| <p>a. The design, development, or modification of any item for a military, space or weapons application?</p> <p><i>Examples include:</i></p> <p>(a) Work under a Department of Defense (DARPA, Navy, Army) or NASA related contract</p> <p>(b) Research or joint development with a private company for the design of military or satellite systems or components.</p> <p>If YES, please provide a detailed explanation below:</p> | | |
| <p>b. Access to <u>technical data</u> or <u>technology</u> that is considered proprietary, confidential or subject to publication restrictions?</p> <p><i>Examples include:</i></p> <p>(1) Work with technical data that is subject to a Non-Disclosure Agreement or other confidentiality or restrictive provisions</p> <p>(2) Pre-publication review to remove confidential information prior to publication</p> <p>(3) Sponsor approval of publication</p> <p>If YES, please provide a detailed explanation below:</p> | | |
| <p>c. Work on the design or development of equipment that will be used to conduct research activities?</p> <p>If YES, please provide a detailed explanation below:</p> | | |
| <p>d. Work on activities that are subject to a restriction or prohibition on participation by foreign nationals?</p> <p>If YES, please provide a detailed explanation below:</p> | | |
| <p>e. Work on a sponsored research project(s)?</p> <p>If YES, please provide the name and number of the research project(s) and a detailed summary of each project below:</p> | | |
| <p>f. Does the foreign national have the appropriate credentials and skills, including English proficiency (verbal and written), to participate in the activities described herein?</p> | | |

