**Visa Deemed Export Questionnaire**

Background

*Export controls* refers to a collection of federal laws and regulations that, for reasons relating to national security, economic competitiveness, or implementation of trade sanctions against specific countries, limit the export of physical items, technology, data, and information out of the U.S. This includes *deemed export*, which can occur when foreign nationals have access to materials in the U.S.

U.S. law prohibits the “export” of controlled technology and technical data to certain foreign nationals located within the United States without a license. U.S. law treats as an export the release of controlled technology or technical data to a foreign national working in the United States, even if the employer does not engage in any other exporting activities. Technology or source code is considered “released” for export when it is made available to foreign nationals for visual inspection (such as reading technical specifications, plans, blueprints, etc.); when technology is exchanged orally; or when technology is made available by practice or application under the guidance of persons with knowledge of the technology. Such exports of controlled technology or technical data must be authorized through an export license issued by USCIS or the Directorate of Defense Trade Controls before release to the non-immigrant foreign national.

To ensure compliance with export control laws, Lehigh University must evaluate the technology or technical data that will be released to, or accessed by, a foreign national (including employees or students) during their work on research or sponsored programs. The Office of Research Integrity is responsible for conducting the evaluation. The process is initiated when the Principal Investigator and Department Chair completes the attached Deemed Export Questionnaire for each foreign national working on a given project, and submits it to the Office of Research Integrity. Individuals may not participate in the subject research until they are approved by the Office of Research Integrity. Department Chairs are additionally responsible for ongoing monitoring of foreign nationals working within the department to ensure that changes in job functions or departmental operations do not pose a risk of the individual accessing restricted technology subject to export controls.

This process helps to ensure that all necessary information is communicated between departments that engage foreign nationals, including as employees and students, and the Office of Research Integrity to maintain compliance with relevant export control requirements.

**Visa Deemed Export Questionnaire**

Individual’s Name:

Country of Citizenship/Permanent Residency:

Department / Unit:

Individual’s LU Title / Position:

Department Chair Name:

Department Chair LU Email:

Sponsorship of Individual’s Work:

[ ]  Non-sponsored  [ ]  Internally sponsored  [ ]  Externally sponsored

If sponsored, please include award number, contract number or other appropriate identifying number:

Individual’s duties will be (check all that apply):

[ ]  Administrative [ ]  Basic Research [ ]  Applied Research [ ]  Teaching

[ ]  Technical [ ]  Other (describe):

Briefly describe the Individual’s regular job duties, including any research in which he/she will be involved:

Will the Individual use or have access to any [chemicals](https://research.cc.lehigh.edu/export-controlled-items) and/or scientific equipment/instruments, including highly specialized computing equipment in the performance of his/her job duties other than standard personal computers and office equipment?

 [ ]  No [ ]  Yes

If yes, list any [chemicals](https://research.cc.lehigh.edu/export-controlled-items) and/or scientific equipment/instruments, [technical data](https://research.cc.lehigh.edu/export-glossary#technical-data) and [technology](https://research.cc.lehigh.edu/export-glossary#technology), or source code that the Individual will use and/or access in completing their duties. For each item, provide the name, serial number / model number, manufacturer, and [Export Control Classification Number (ECCN)](https://research.cc.lehigh.edu/export-glossary#eccn). If ECCN is unknown, contact the manufacturer of the item(s) and request the ECCN. Attach extra pages if necessary.

Are the results of this research intended to be published and shared broadly within the scientific research community?

 [ ]  No [ ]  Yes [ ]  N/A

Please answer the following questions:

1. Will the Individual’s access to the equipment described above be limited to **only** simple operation of the equipment?

 [ ]  No [ ]  Yes [ ]  N/A

1. Will the Individual have access to information that would permit the Individual to do **all** of the following with the equipment: operation, installation (including on-site installation), maintenance (checking), repair, overhaul **and** refurbishing?

 [ ]  No [ ]  Yes [ ]  N/A

1. Will the Individual be exposed to equipment that was specifically designed or developed for military or outer space applications (e.g., night vision cameras, satellite technology, controlled imaging equipment, Y-code GPS, etc.)?

[ ]  No [ ]  Yes

1. Will the Individual have access to any Lehigh University-owned [technical data](https://research.cc.lehigh.edu/export-glossary#technical-data) or [technology](https://research.cc.lehigh.edu/export-glossary#technology) that is considered proprietary or confidential to Lehigh?

[ ]  No [ ]  Yes

If yes, describe:

1. Will the Individual have access to any third-party owned or controlled [technical data](https://research.cc.lehigh.edu/export-glossary#technical-data) or [technology](https://research.cc.lehigh.edu/export-glossary#technology) that is considered proprietary or confidential to the third party? This includes U.S. government furnished technical data or information with dissemination controls or other restrictive markings, as well as [ITAR](https://research.cc.lehigh.edu/export-glossary#itar)-controlled software.

[ ]  No [ ]  Yes

If yes, describe:

1. Will the Individual be working with experimental equipment or prototypes (examples would be high speed computers, sensors, materials, electronics, lasers, telecommunication devices or other non-commercial equipment)?

[ ]  No [ ]  Yes

1. With respect to the sponsored project with which the Individual will be involved:
2. Are there any restrictions on participation in the project based on country of origin or citizenship?

[ ]  No [ ]  Yes [ ]  N/A (Non-sponsored research)

1. Does the project grant the sponsor a right of pre-publication review (other than a limited review with the purpose of ensuring the protection of proprietary information)?

[ ]  No [ ]  Yes [ ]  N/A (Non-sponsored research)

If yes, please provide the reason(s) listed for the review:

1. Does the project limit the free and open publication or dissemination of the research results in journals or other technical literature?

[ ]  No [ ]  Yes [ ]  N/A (Non-sponsored research)

If yes, please provide the specific restriction(s):

1. Does the project provide that any part of the sponsoring, granting, or resulting documents should not be disclosed?

[ ]  No [ ]  Yes [ ]  N/A (Non-sponsored research)

1. Please identify the source(s) of funds supporting the grant(s) under which the research will be conducted, if applicable:

1. Will the Individual be working with materials obtained under a Materials Transfer Agreement?

[ ]  No [ ]  Yes

If yes, please provide the name of the material(s):

1. Do you know or have any reason to believe that the item, information, or software to be shared with the Individual will support the design, development, production, stockpiling, or use of a nuclear explosive device, [chemical or biological weapons](https://research.cc.lehigh.edu/export-controlled-items), or missiles?

[ ]  No [ ]  Yes [ ]  N/A

If you have questions regarding this form, please contact the Office of Research Integrity at inexport@lehigh.edu.

Please submit the completed form, along with a copy of the Individual’s CV, to the Office of Research Integrity (inexport@lehigh.edu) via DocuSign. Incomplete responses will result in review delays. You may be contacted for clarification or additional information.

By signing below, I am attesting to the accuracy of the foregoing information to the best of my knowledge. I understand that any changes to the research affecting the accuracy of these responses must first be approved by the Office of Research Integrity.

I understand that any changes to the external support of this Individual requires advance notification and approval from the Office of Research Integrity. I understand that any external support of this Individual may only be charged to the Sponsored Research index specified above, and that advance notification and approval from the Office of Research Integrity is required prior to modifying any sources of support.

Signature of Department Chair:

Date:

Signature of Research Integrity Reviewer: Date:

***For Internal Use***

*Date Received by the Office of Research Integrity:*

[ ]  *The Individual is not listed on the Consolidated Screening List maintained by the U.S.*

 *Government (available at* [*https://www.trade.gov/consolidated-screening-list*](https://www.trade.gov/consolidated-screening-list)*).*

[ ]  *The Individual will only have access to information that is not classified as controlled*

 *technology or technical data under the EAR or ITAR. Therefore, 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 Individual.*

[ ]  *A license from the U.S. Department of Commerce or the U.S. Department of State is*

 *required to release such technology or technical data to the Individual. The*

 *investigator has been instructed to, and will prevent access to the controlled technology or*

 *technical data by the Individual until and unless the investigator has received the*

 *required license or other authorization to release it to the employee.*