**Visa Candidate Affiliation Due Diligence and**

**Deemed Export Assessment Form**

**For Sponsored Research and Non-Sponsored Activities**

**Instructions:** Part I is to be completed and signed by the Visa Applicant. Parts II and III of this form must be answered by the sponsoring faculty or staff member who is directly knowledgeable of the visa applicant/beneficiary’s planned activities, and not by someone acting on behalf of the sponsor who is not directly knowledgeable. Please complete the form as comprehensively as possible.

**University:**

[ ]  UH Main [ ]  UH Clear Lake [ ]  UH Downtown [ ]  UH Victoria

**PART I**

**Visa Applicant/Beneficiary:**

First Name Last Name

**Date of Birth:**

MM/DD/YYYY

**Country of Citizenship:**

**Phone**: **Email:**

**Country of Citizenship:**

**Requested Visa Type: Current Visa Type (If Applicable):**

**Country of Citizenship:**

**Position to be Held:**

**1. Will your program at UH be financially supported (fully or partially) from non-US sources (including those who identify as "self-funded")?**

[ ]  NO [ ]  YES If yes, please list non-US entity or individual providing support:

**2. Do you hold or maintain any affiliations or appointments (honorary, visiting, adjunct, full-time, part-time, voluntary, etc.) with any foreign (non-US) entity, organization or government, including talent programs?**

An *affiliation* with an institution or program in a foreign (non-U.S.) country includes any academic, professional, or institutional appointments or positions, board/advisory positions or collaborative projects (*whether paid or unpaid, full-time or part-time*), and even if described as honorary, courtesy, visiting, adjunct, volunteer, or other similar description - - with any foreign government, university or other entity in a foreign country (including but not limited to your country of citizenship). Included in this definition is any involvement in a talent program (e.g., a program in which you have been recruited and/or funded by a foreign university, entity or government).

[ ]  NO [ ]  YES If yes, please list name and address for each affiliation:

**Do you participate (whether on a paid or unpaid basis) in any programs sponsored by a government, military, intelligence agency, or police entity? If not currently, have you participated in past service? If yes, indicate any on-going obligation with the entity(ies).**

[ ]  NO [ ]  YES If yes, please list entity and dates of service:

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**Visa Applicant/Beneficiary Signature Date**

Thank you for completing these responses for our due diligence process. Please upload a copy of your CV and attach it to this file. A UH representative may contact you for a routine follow-up conversation if any clarifications are needed.

**PART II**

**Faculty/Staff Sponsor Information:**

First Last

**Title:**

**College/Department/Center:**

**Phone**: **Email:**

**Important Background- Please Read:** The Unites States Citizenship and Immigration Service requires that an employer, when filing a H-1B or O-1 petition, 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 employee access to export controlled items or technology (laboratory equipment/research instruments, materials, software or technology/technical data) controlled under the EAR or ITAR. (Please refer to Questions 1-6 below.)

In the case of J-1 Visa Exchange Students and Visiting Scholars, the institution is also required to determine whether the J-1 visa candidate will be exposed to export control items or technology. (Please refer to Questions 1-6 below.)

The transfer or release to a foreign national of such controlled items by any means is “deemed” to be an export to the foreign national’s country of citizenship or permanent residence, potentially requiring a U.S. export license unless a particular authorized license exemption applies.

If you do not have the information necessary to complete this Questionnaire and Certification, please contact UH’s Export Control Officer at exportcontrol@uh.edu. The Export Control Officer will assist you in completing the questionnaire and as necessary, work with you to determine whether the activities intended for the visa applicant require prior export control authorization from a governing U.S. agency or a Technology Control Plan to restrict access.

1. **Will the visa applicant be working in one of the following areas? Check all that apply.**

[ ]  Biomedical Sciences

[ ]  Computer Sciences

[ ]  Space or Space Launch Sciences

[ ]  Forensic Sciences

[ ]  Chemistry/Physics

[ ]  Artificial Intelligence

[ ]  Any Engineering or Scientific Discipline: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  None of the above

**Please check one of the following:**

[ ]  NO: The assignment will not involve, expose or potentially expose the applicant to any scientific or engineering 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.**

[ ]  YES: The assignment will involve, expose or potentially expose the applicant to a scientific or engineering discipline (including but not limited to one or more of those listed above).

If YES, please provide a brief explanation of work assignment(s) in the space provided immediately below AND complete Questions 2-6. Please check all the applicable boxes. Where the answer is Yes or Not Sure, this will alert us to a potential deemed export situation that we will promptly review with you and resolve.

**Brief explanation of work assignment(s).**

**Note:** Any technical data that has been invented by UH or another entity as the result of fundamental research (basic and applied research conducted without sponsor mandated publication and/or citizenship restriction) and is the subject of a potential or actual research publication, conference presentation, course curriculum, or patent publication (i.e., already in the public domain) is exempt from deemed export access restrictions.

**2. Will the visa applicant/beneficiary perform any activity under a sponsored research agreement (e.g., grant, CRADA, contract, recharge service agreement, Capstone, etc.) that restricts or prohibits the participation of foreign nationals (i.e., there are restrictive clauses or requirements pertaining to foreign nationals or non-U.S. persons participating in the research)?**

[ ]  YES [ ]  NO [ ]  NOT SURE

**3. Will the visa applicant/beneficiary perform any activity under a sponsored research agreement (e.g., grant, CRADA, contract, recharge service agreement, Capstone, etc.) that restricts or prohibits the PI/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 or confidential data that, under the terms of the Agreement, is exempt from publication.**

[ ]  YES [ ]  NO [ ]  NOT SURE

**4. Will the visa applicant/beneficiary be provided access to any of the following (whether or not actually required for his/her work assignment and whether through hard or soft copy):**

**Technical data or information that has been stamped or otherwise designated by the sponsor or collaborating institution as being “export controlled”;**

[ ]  YES [ ]  NO [ ]  NOT SURE

**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;**

[ ]  YES [ ]  NO [ ]  NOT SURE

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

[ ]  YES [ ]  NO [ ]  NOT SURE

**Third party, proprietary information pertaining to the “use” or “development” or “production” of instruments, materials, software or scientific processes (technology). For purposes of this question:**

* + “use” means that the foreign national would be performing one or more of the following types of activities pertaining to a controlled item beyond merely operating the item for its intended purpose: installation, maintenance, repair, and overhaul/refurbishing – based on a proprietary and controlled (non-public domain) manufacturer manual or other equivalent documentation
	+ “development” means technology pertaining to a sponsor’s proprietary R & D and development project i.e. not intended for publication: 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
	+ “production” means technology pertaining to sponsor-proprietary product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.

[ ]  YES [ ]  NO [ ]  NOT SURE

**5. In performing the activity under the visa, will the visa beneficiary/applicant 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 use click on the following link: <https://www.pmddtc.state.gov/ddtc_public?id=ddtc_public_portal_itar_landing>.

For purposes of this question, “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.

[ ]  YES [ ]  NO [ ]  NOT SURE

**6. Will the visa beneficiary/applicant be engaged in any international collaborative activity involving international travel or a research collaborative exchange with his/her home country institution? If Yes, provide name of institution.**

[ ]  YES [ ]  NO [ ]  NOT SURE

**PART III**

In signing this document, I confirm that I have reviewed UH Export Control policies and protocols and the answers I have provided are true and correct to the best of my knowledge. I also confirm that I will timely notify the Export Control Officer at exportcontrol@uh.edu before:

1. **Any technology or technical data is released to the visa beneficiary/applicant; and/or**
2. **The visa beneficiary/applicant moves to a new office or lab or begins work activity outside my control or knowledge.**

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**Faculty/Staff Sponsor Date**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Department Chair or Equivalent Date**

**Part IV**

**[ ]** 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.

**[ ]** 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.

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**Export Control Officer**