

I-129 Questionnaire

Background

The U.S. Citizenship and Immigration Services (USCIS) now requires the FIU visa signatory for foreign nationals to perform a “deemed export attestation” and under certain circumstances obtain a “deemed export” license. The information on this form must be accurately collected from the faculty sponsor and is part of FIU’s due diligence for deemed export controls. It will be used to submit responses to USCIS and assist with evaluating if a “deemed export” license is required. The government may grant or deny license based on the types of technology involved. FIU has a compliance program in place to address export control issues.

ITAR Controls

ITAR covers any item (equipment, instruments, materials, software, and/or technical data) *specifically* 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 see http://pmddtc.state.gov/licensing/dt_references-or1.html. For purposes of this certification, “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. Note: any such item that has been self-invented and is the precise subject of previously published research by FIU may be exempt from this access restriction, pending confirmation by the Export Control Administrator. (Please contact (305-348-4726) if there are any questions about whether access meets the self-invention standard).

Controlled Technologies

Controlled technologies and any related technical data associated in any capacity with the following broad categories may require deemed export licensing. The technologies listed are not all inclusive. Helpful additional information concerning these categories is available on the Office of University Compliance & Integrity web which you may access for your reference at: Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR) https://compliance.fiu.edu/export_regulations.html.

General Technologies relating to:

- Conventional Munitions
- Nuclear Technology, Physics, or Engineering including Materials, Facilities & Research Equipment (Miscellaneous Items)
- Materials, Chemicals, Microorganisms and Toxins used in Chemical, Biotechnology and Biomedical engineering
- Materials Technology and Processing equipment/methods
- Electronics Design, Development and Production
- Advanced Computer and Micro-electric Technology
- Telecommunications
- Information Security related to cryptography
- Sensors and Lasers and direct energy systems
- Navigation, Avionics and Flight Controls usable in rockets or Unmanned Air Vehicles
- Marine Technology (propulsion systems)
- Robotics (AI, Automation, Machine tools)
- Rocket or Propulsion Systems, Space Vehicles and Related Equipment
- Remote Sensing, Imaging, Reconnaissance (radar, satellites)
- Urban Planning/Civil Engineering

Military Technologies relating to:

- Firearms, Close Assault Weapons and Combat Shotguns
- Guns and Armament
- Ammunition / Ordnance
- Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines
- Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents
- Vessels of War and Special Naval Equipment
- Tanks and Military Vehicles
- Aircraft and Associated Equipment
- Military Training Equipment and Training
- Protective Personnel Equipment and Shelters
- Military Electronics
- Fire Control, Range Finder, Optical and Guidance and Control Equipment
- Auxiliary Military Equipment
- Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment
- Spacecraft Systems and Associated Equipment
- Nuclear Weapons, Design and Testing Related Items
- Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated
- Direct Energy Weapons
- Submersible Vessels, Oceanographic and Associated Equipment

**VISA APPLICANT DEEMED EXPORT QUESTIONNAIRE
FOR SPONSORED & NON-SPONSORED ACTIVITIES**

Instructions:¹ The questionnaire must be answered by the sponsoring faculty member and not by someone acting on behalf of the sponsor for **all** H-1B, H-1B1, J-1, L-1, O-1 non-immigrant worker visa applicants. Please answer the following questions to the best of your ability.

Faculty/Sponsor:

Name: _____

Title: _____

Department: _____

Phone: _____

Email: _____

Beneficiary:

Name: _____

Country of Citizenship: _____

Current Visa Type: _____

Requested Visa Type: _____

Position to be Held: _____

- 1) Will the beneficiary be working in one of the following areas: biomedical sciences, computer sciences, space or space launch sciences, or any engineering or scientific discipline? Engineering or scientific disciplines may include but are not limited to the following: Chemical, Electrical, Semiconductor, Material Science, Physics, Mechanical, Geophysical, Marine, Astronomy, Nuclear, Artificial Intelligence or Robotics?
 Yes No Unknown/Unsure

If you marked “Yes” or “Unknown,” please provide brief explanation of work assignment:

- 2) Will the beneficiary be provided access to any **controlled** FIU-owned technical data or technology (hardware or software) that is considered proprietary or confidential to FIU or any third party?(*see information below concerning “controlled technologies”*)
 Yes No Unknown/Unsure
- 3) Will the beneficiary be provided access to any **controlled** technical data or technology (hardware or software) furnished to FIU that is proprietary or confidential to a sponsor or third party? This includes U.S. government furnished technical data with access, publication, participation or dissemination restrictions or other restrictive markings, as well as ITAR-controlled information, articles and software. It may also include confidential information, materials, or software that is the subject of a Non-Disclosure Agreement (NDA) or equivalent confidentiality agreement.
 Yes No Unknown/Unsure
- 4) Will the beneficiary be provided access to proprietary (to sponsor or a third-party) technology for the development of cryptography, or proprietary source code containing cryptographic functionality?
 Yes No Unknown/Unsure
- 5) Will the beneficiary be provided access to Information pertaining to the “use” of laboratory equipment (that is not in itself the subject or result of self-invented fundamental research): for purposes of this definition, “use” may include operation, installation, maintenance, repair, overhaul and refurbishing.
 Yes No Unknown/Unsure
- 6) Will the beneficiary be provided access to any government furnished equipment, information, or software specifically designed or developed for military **or** space applications?
 Yes No Unknown/Unsure



- 7) Will the beneficiary participate in sponsored research?
 Yes No Unknown/Unsure

If yes, please answer the following:

- a. Is the sponsored research funded in whole or part by DoD, NASA, or defense industry sponsor(s)?
 Yes No Unknown/Unsure

If yes, indicate the Sponsor(s): _____

- b. Provide the FIU Account Number or Research Identification Number of the project(s). _____

- c. Are these sponsored research projects export controlled or subject to foreign national access/participation restrictions, or publication/ dissemination restrictions?
 Yes No Unknown/Unsure

- d. Will the beneficiary be provided access to any ongoing DoD, NASA, or defense industry research or research results?
 Yes No Unknown/Unsure

- e. Please specify the research type:
 Basic Applied Advanced Development Testing Service Oriented

- f. Will the research results be published or taught in an official FIU course or otherwise shared with the interested public?
 Yes No Unknown/Unsure

- 8) Additional comments or questions? _____

Faculty/Sponsor Name

Faculty/Sponsor Signature:

Date:

The person signing this form is attesting that they have full knowledge of the scope of research work of the beneficiary.

This "I-129 Visa Export Control Compliance Questionnaire" has been modified from the University of Central Florida I-129 form with their consent.