



H-1B & J-1 Visa Applicant Deemed Export Questionnaire for Sponsored & No Sponsored Activities

This questionnaire must be completed by the sponsoring faculty member or supervisor who is directly knowledgeable of the employee/visa applicants (beneficiary's) activities. It must not be completed by someone with no direct knowledge of the employee/visa applicants (beneficiary's) visa activities.

- **For H-1B international employees, this *Export Questionnaire* must be completed by the faculty supervisor and submitted to [International Services](#) prior to the submission of an H1B application to USCIS.**
- **For J-1 scholars, this *Export Questionnaire* must be completed by the faculty supervisor and submitted to [International Services](#) prior to issuing a DS-2019 for the scholar.**
- **For J-1 scholars, the *J-1 Due Diligence Form* (page 5-6) must be completed by the prospective J-1 scholar and submitted to [International Services](#) prior to issuing a DS-2019 to the prospective J-1 scholar.**

Important Background – Please Read: The U.S. Citizenship and Immigration Service (USCIS) requires that Clemson University, when filing a **H-1B, L-1, or O-1** petition, certify the following:

- 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
- It has determined whether or not a license (prior authorization) is required from either of these U.S. government agencies to allow a 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.

In the case of **J-1 Exchange Student and Visiting Scholars**, Clemson University is also required to determine whether the J-1 visa candidate will be exposed to export control items or technology.

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.

Please complete the form as comprehensibly as possible.

If you need assistance in completing this questionnaire, please contact [Export Control](#) in the Office of the Vice President for Research. Export Control will then assist you in completing the questionnaire and 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.

Beneficiary/Visa Applicant:

| | | |
|--|--|---|
| Family/Surname <i>(as it appears on passport)</i> | First Name <i>(as it appears on passport)</i> | Date of Birth <i>(mm/dd/year)</i> |
| Country of Citizenship | Current Visa Type (if applicable) | Requested Visa Type H-1B O-1 Other _____ |
| Job Title/Brief Position Description | | |

Faculty/Sponsor:

| | | |
|----------------------------|---------------------------|-------|
| Faculty/Sponsor First Name | Faculty/Sponsor Last Name | Title |
| Department: | Phone (xxx)xxx-xxxx | Email |

Please answer Question 1, check the appropriate box, and give a brief explanation of the work assignments(s) below.

1. Will the beneficiary be working in one of the following areas?

Biomedical Sciences

Computer Sciences

Space or Space Launch Sciences

Any Engineering or Scientific Discipline (may include but are not limited to the following: Chemical, Electrical, Semiconductor, Materials Science, Physics, Mechanical, Geophysical, Geospatial, Marine, Meteorological, Astronomy, Nuclear, Artificial Intelligence or Robotics).

Check one:

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.

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).

Brief explanation of work assignment(s).

You are required to check all applicable boxes below. Responses of “yes” or “not sure” answers could be potential deemed export concerns to which [Export Control](#) will promptly work with you to review and resolve. **Important note:** any technical data that has been invented by Clemson University 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 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 beneficiary perform any activity under a sponsored research agreement (e.g. grant, CRADA, contract, recharge service agreement, Capstone, etc.) that restricts or prohibits the 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 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 their position, will the beneficiary 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. Click [here](#) for a list of high level ITAR categories that identify such defense, military and space items.

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

SIGN & DATE COMPLETED FORM

Acknowledgment:

In the event that the information above changes with respect to the beneficiary’s activities, please notify [Export Control](#) in the Office of the Vice President for Research and [International Services](#) in a timely manner.

Faculty/Sponsor Signature

Date (mm/dd/yyyy)



Due Diligence Form for J1 Exchange Visitors

All prospective J-1 Exchange Visitors invited to Clemson University as visiting professors, research scholars, short-term scholars, and specialists must complete this form as comprehensibly as possible. Once completed, please return to your faculty supervisor and International Services. This form must be completed and submitted prior to the issuance of the J-1's DS-2019 form.

Table with 3 columns: Family/Surname, First Name, Date of Birth, Country of Citizenship, Country of Birth, City of Birth, Mailing Address, Email Address, Phone, Job Title/Brief Position Description

Introduction:

The following questions are intended to assist in supporting your invitation as an J1 Exchange Visitor to Clemson University. All prospective J1 Exchange Visitors are required to respond to these questions as fully and completely as possible.

Identify the name and address of all entities with which you are affiliated in your country of citizenship or other applicable countries. If any funding source(s) is/are different from the affiliated entities, please identify every source of funding from any institution, organization, or agency that makes it possible for you to participate in Clemson's J1 Exchange Visitor Program.

Large empty rectangular box for providing details on affiliated entities and funding sources.

List any paid or unpaid position that you currently hold. Examples include, but are not limited to the following: employment at an entity or institution; honorary appointments; Board or Advisory positions; etc. For each position, indicate the entity, position held, and the address of such entity.

Have you in the past, or do you currently, participate in any government, military, intelligence agency, or police entity (either paid or unpaid)? If you participated in the past, indicate any on-going obligations to such entity or entities.

No Yes, please list name of entity and dates of services.

Acknowledgement:

I, herby certify, that I have answered the foregoing questions as completely as possible. I further understand that failure to provide or misstate the requested information may result in the delay, discontinuation, or cancellation of my participation in Clemson University's J1 Exchange Visitor Program.

Print Name

Email Address

Signature

Date (dd/mm/year)

CU Department Contact:

Faculty/Department Supervisor's Name

Supervisor's Department

Supervisor's Email

Supervisor's Phone