



**Visa Applicant Deemed Export Questionnaire  
For Sponsored & Non-Sponsored Activities**

**This questionnaire must be completed by the sponsoring faculty member or supervisor who is directly knowledgeable of the visa applicant/beneficiary’s activities. It must not be completed by someone with no direct knowledge of the visa applicant/beneficiary’s activities.**

**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 <input type="checkbox"/> H-1B <input type="checkbox"/> O-1 <input type="checkbox"/> 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**

**Please send completed forms and all additional documents to [International Services](#) located in 108 Long Hall.**

**If this form is being completed for a J-1 scholar, the J-1 scholar must complete *the J-1 Due Diligence Form* and return the completed form to the faculty sponsor and [Export Control](#).**

### **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 in a timely manner.

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Faculty/Sponsor Signature

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Date (mm/dd/yyyy)

**CLEMSON UNIVERSITY**  
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