



THE UNIVERSITY OF CHICAGO

Campus and Student Life International Affairs

I-129 Certification Compliance Questionnaire

(Must be submitted to the Office of International Affairs in conjunction with an H-1B request)

Visa Applicant: _____ Date: _____ Principal Investigator/Faculty Sponsor: _____ Department: _____ Country of Citizenship and Country of Permanent Residence: _____	Petition will be filed by external counsel. <input type="checkbox"/> (mark if yes) Name of firm: _____
---	---

The United States Citizenship and Immigration Service requires that an employer, when filing an H-1B petition, certify that (i) 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 (ii) it has determined whether or not a license (prior authorization) is required from either of these Government agencies to allow an employee who is a foreign national access to export controlled items or technology (laboratory equipment/research instruments, materials, software or technology/technical data) controlled under the **EAR** or **ITAR**. The transfer or release to a foreign national of such items by any means is "deemed" to be an export to the foreign national's country of citizenship or permanent residence, potentially requiring an export license unless a particular authorized license exemption applies.

Please complete the questionnaire below. The questionnaire must be completed or signed by the Principal Investigator or other appropriate University authority with direct oversight of the visa applicant's work. The Department Chair must also sign the completed questionnaire. Please note that unless a pre-authorized exemption applies, an export license may be required before the applicant may start his/her activities. *Questions should be directed to University Research Administration (URA), after a thorough review of the information published on its web site. (http://researchadmin.uchicago.edu/policies_compliance/research_compliance/export_controls_trade_sanctions.shtml)*

1. Will the visa applicant 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. [Please provide brief explanation of work assignment]

Check one:

- No, the assignment will not involve, expose or *potentially* expose the applicant to any scientific discipline, including but not limited to the ones listed above. Please sign and date this form below and submit it to the Office of International Affairs in conjunction with your H-1B processing request.
- Yes, the assignment will involve, expose or *potentially* expose the beneficiary to a scientific discipline (including but not limited to one or more of those listed above). You are required to check all the boxes for questions 2-5 below and sign and date at the bottom. If you do not have the information necessary to complete this certification, please contact the Director of University Research Administration (773-702-8604), czuiches@uchicago.edu to complete the processing of this certification questionnaire. If, by virtue of the question, you are unable to check one of the following boxes, University Research Administration will work with you to further determine whether the work intended for the visa applicant requires prior export control authorization from a governing U.S. agency or requires a Technology Control Plan to temporarily or permanently restrict access by the beneficiary to only what is not export controlled.
2. The visa applicant will not be working under a sponsored research agreement (e.g. grant or contract) that restricts or prohibits the participation of foreign persons, i.e. there are no restrictive clauses pertaining to foreign nationals or non U.S. persons participating in the research.
3. The visa applicant will not be working under a sponsored research agreement (e.g. grant or contract) 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 data that, under the terms of the Agreement, is exempt from publication.
4. In performing the work under the visa, the visa applicant will not be provided access (whether or not actually required for his/her work assignment and whether through hard or soft copy) to:
- Technical data or information that has been stamped or otherwise designated by the sponsor or collaborating institution as "export controlled";
 - 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;
 - Proprietary (to sponsor or a third-party) technology for the development of cryptography, or proprietary source code containing cryptographic functionality; and
 - 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" means that all of the following 6 types of activities occur:
 - Operation, installation, maintenance, repair, overhaul and refurbishing.
5. In performing the work under the visa, the visa applicant will not 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) *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 **Appendix 1** to this Certification. See also (http://www.pmdt.c.state.gov/regulations_laws/itar_official.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 the University of Chicago, may be exempt from this access restriction, pending confirmation by University Research Administration. Please contact University Research Administration if there are any questions about whether access meets the self-invention standard).

CERTIFICATIONS AND APPROVALS

I hereby certify that I am personally knowledgeable with the job duties and other particulars of employment of the visa applicant listed above, and hereby affirm that the contents of the foregoing certification questionnaire are true to the best of my knowledge, information and belief.

I further understand that failure to accurately complete this questionnaire can result in U.S. Government export control violations for which civil and criminal penalties can be assessed against (i) any individual (including a PI) found to have caused or facilitated a violation, and/or (ii) the University of Chicago.

(Principal Investigator/Faculty Sponsor) (Title) (Date)

(Department Chair, or Authorized Department Representative) (Title) (Date)

OIA and URA Use Only

RECOMMENDATION FOR I-129 CERTIFICATION (check one):

Must be completed by URA if "Yes" is checked in question 1 and any of the boxes for questions 2 through 5 cannot be checked.

If "No" is checked in question 1, or if "Yes" is checked in question 1 and all remaining boxes are checked in questions 2-5, Check Box 1 will be selected.

In reliance upon the answers provided in the *I-129 Compliance Questionnaire* above and any additional conversations that took place with appropriate University faculty and Department personnel, and upon prior review of the Export Administration Regulations and the International Traffic in Arms Regulations, the following recommendation is made with respect to the completion of Part 6 of the I-129 that is being submitted on behalf of _____:

(Name, Visa Applicant)

Check Box 1

Check Box 2

(Name, please print)

(Title)

(Signature)

(Date)

APPENDIX I

Under the **ITAR**, licenses from the Department of State may be required for foreign nationals engaged in activities involving items or technologies identified on the United States Munitions List (USML) that have a defense, military or space application. The following are the categories of items and technologies controlled under ITAR and listed in the USML (for more information about these categories, the USML can be found at http://www.pmddtc.state.gov/regulations_laws/itar_official.html):

Category I-	Firearms
Category II-	Artillery Projectors
Category III-	Ammunition
Category IV-	Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines
Category V-	Explosives, Propellants, Incendiary Agents, and Their Constituents
Category VI-	Vessels of War and Special Naval Equipment
Category VII-	Tanks and Military Vehicles
Category VIII-	Aircraft, (Spacecraft) and Associated Equipment
Category IX-	Military Training Equipment
Category X-	Protective Personnel Equipment
Category XI-	Military (and Space) Electronics
Category XII-	Fire Control, Range Finder, Optical and Guidance and Control Equipment
Category XIII-	Auxiliary Military Equipment
Category XIV-	Toxicological Agents and Equipment and Radiological Equipment
Category XV-	Spacecraft Systems and Associated Equipment
Category XVI-	Nuclear Weapons Design and Test Equipment
Category XVII-	Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated
Category XX-	Submersible Vessels, Oceanographic and Associated Equipment
Category XXI-	Miscellaneous Articles (specifically designed, developed, configured, adapted or modified for military purposes)