



**Deemed Export Control Questionnaire  
 for H-1B and O-1A Petitioners Only**

[to be completed by foreign national's NYU academic sponsor and returned with signatures to School/Departmental administrator who is centralizing the visa petition]

**1. Background**

Recent changes in the law require the University to determine whether an export control license is required for a visiting foreign national (hereafter referred to as "**Scholar**") at the time of the H-1B or O-1A visa application. Thus, the University cannot complete the application until this Questionnaire has been completed.

Those persons sponsoring a Scholar (who usually are the Principal Investigator, Chair, or Director, and hereafter referred to as "**Sponsor**") must understand his/her responsibility under the U.S. export control regulations, including the Department of Commerce Export Administration Regulations (EAR) and the US Department of State International Traffic in Arms Regulations (ITAR), to the extent these laws apply to research conducted by the foreign national at the University.

Specifically, **Sponsors** must assist the University in determining whether there will be any exports, including "deemed exports." An "export" can occur not only under the traditional sense of shipping it overseas; an export can also be "deemed" to take place when it is provided to the **Scholar** within the United States. Even access that is solely visual can be deemed an export. Additionally, if technology (such as equipment) is used in research that is itself export controlled, granting access to the equipment can constitute an export.

The University's website covering export control laws contains helpful resources regarding the law at the following link: <http://www.nyu.edu/research/resources-and-support-offices/getting-started-withyourresearch/office-of-sponsored-programs/policies/export-control-regulations.html>.

**2. Scholar Information**

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First Name	Middle Name	Last Name
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Country of Citizenship	Country of Permanent Residence
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Any Additional Countries of Citizenship or Legal Permanent Residence

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College/School/Institute	Department (if applicable)
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NYU Job Title

**3. Summary of Scholarly Activities.** Please describe the nature of the research, teaching or other scholarly activities to be conducted by the Scholar, and specifically reference any high tech equipment, experimental equipment, or confidential information (such as under a Material Transfer Agreement (“MTA”) or under corporate sponsorship) the Scholar will be working with:

#### 4. What Technology is Export Controlled

The following three questions must be completed by the Sponsor and signed by your Dean or Dean’s Designee. In cases where the Sponsor is the Chair or Director, the Dean or Dean’s Designee section can be left blank. As the technical sponsor for the Scholar, your judgment as to whether the technology is covered by the regulations is critical.

A. State Department ITAR Regulations. Will the Scholar participate in research at the University that is covered by the list of technologies and services contained in the” United States Munitions List ITAR Part 121(the list may be found at the following State Department website: [http://www.pmddtc.state.gov/regulations\\_laws/itar\\_official.html](http://www.pmddtc.state.gov/regulations_laws/itar_official.html)

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Commerce Department EAR Regulations. Will the Scholar participate in research at the University that is covered by the list of technologies and services contained in the Commerce Department’s “Commodity Control List”? EAR Part 774 “Commerce Control List” other than computers or software (the list may be found at the following Commerce Department website: [http://www.access.gpo.gov/bis/ear/ear\\_data.html#ccl](http://www.access.gpo.gov/bis/ear/ear_data.html#ccl)

Yes \_\_\_\_\_ No \_\_\_\_\_

C. High Performance Computing. Because certain cluster computing systems and other high performance computing capabilities are export controlled, it is the focus of this specific inquiry: Will the Scholar have access to high speed computing (e.g., a computer which has an Applied Peak Performance equal to or greater than 0.75 Weighted Terraflops)? (a description of how these APP levels may be calculated is found in “Practitioner’s Guide to Adjusted Peak Performance” at the following website: <http://www.bis.doc.gov/hpcs/default.htm>

Yes \_\_\_\_\_ No \_\_\_\_\_

If all three (3) answers to Question 4 (A), (B) **AND** (C) are “No,” you may, without further review, complete the form in Section #5, have it signed by your Dean or Dean’s Designee (unless you are the Dean’s designee in which case you can leave that section blank), and submit it to the School/Departmental administrator centralizing the visa application for your School/Department.

If the answer to Question 4 (A), (B), **OR** (C) is “Yes,” further review and processing will be needed, and you must contact the University’s Office of General Counsel. To make an appointment to discuss the application of export regulations to your research, call extension 84930.

*I have reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) as referenced above, and represent that my answers contained herein reflect my review.*

Sponsor:

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Date

Dean, or Dean's Designee:

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Date

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Secondary Review by Office of General Counsel (ONLY if required under section 4):

A license is NOT required

A license is required from the US Dept of Commerce and/or the US Dept 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.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date