



Office of Export Controls

University of Missouri-Columbia

Standard Operating Procedure

I-129 Deemed Export Attestation

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1.0 Purpose

To outline the requirements and processes by which the OEC will make certifications regarding deemed export licenses for certain categories of visa applications.

2.0 Scope

The SOP applies to all H-1B¹ visa applications processed on behalf of MU. The U.S. Citizenship and Immigration Services (USCIS), which is a component of the Department of Homeland Security, requires that MU, as the sponsoring institution, provide an attestation as to whether a deemed export license will be required for the beneficiary to perform the job duties as described in the application. That attestation also affirms that deemed export rules will not be violated prior to getting a license if one is needed. (MU does not need to obtain an export license prior to filing the visa application.)

3.0 Policy/Procedure

The sponsoring department is responsible for providing the OEC with the information needed for the OEC to perform an evaluation and make a determination regarding the need for a deemed export license. That information will include the beneficiary's full name, country of citizenship, and current address along with basic questions about the nature of the work to be performed by the beneficiary:

1. Will the beneficiary be provided access to any information, software, equipment or technical data that is considered confidential, proprietary or controlled by the University or any third-party?
 - a. Please briefly describe the information, software, equipment, and/or data and how it is

¹ Scholars with H-1B visas are international workers who perform services in specialty occupations requiring a specialized body of knowledge. At MU, H-1B status is used for full-time tenure-track faculty, academic researchers and professional staff. Also applies to H-1B1 Chile/Singapore, L-1, and O-1A petitions.

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- managed, used and controlled.
2. Will the beneficiary be provided access to equipment specifically designed or developed for military or space applications?
 3. Is research part of the beneficiary's job description?
 - a. Please briefly describe the specific area(s) of inquiry that the beneficiary is expected to pursue. Also, if available, please provide the proposal and/or award numbers and sponsor name.
 4. Is the beneficiary's research or other scholarly activity anticipated to be taught, published or otherwise shared with the interested public?
 - a. Because you have stated that the beneficiary's work is not expected to be shared publicly, please provide reasoning why a restriction on public dissemination of the work is being imposed.

Upon receipt of this information, the OEC will conduct a restricted party screen of the beneficiary against all government lists of persons and/or entities with whom MU and its employees may be prohibited by law from entering into a transaction, or may require a license or other government approval in order to do so. In addition, the OEC will evaluate the work to be performed by the beneficiary for possible intersection with applicable export control regulations and determine whether a deemed export license will be required for the beneficiary to perform the duties listed in his or her visa application. The OEC will then advise the sponsoring department of the appropriate response(s) to the section of the visa application that requires a "Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States." Should a license be required, the OEC will work with the sponsoring department to submit a successful license request to the appropriate federal agency with cognizance over the technology / technical data in question prior to the release of any controlled technology or technical data to the visa beneficiary.