

Deemed Export Controls

The United States regulates "exports" of certain equipment, software and technology in furtherance of national security interests and some foreign policy objectives. Among the most important reasons for these controls are deterrence of proliferation of weapons of mass destruction and to prevent transfer of sensitive and potentially dangerous technologies to supporters of international terrorism and other problematic end-users.

Export Controls can apply to a wide range of research activities, regardless of the source of funding. Research projects involving the transfer of equipment and technology (including technical data and technological assistance) to foreign countries are potentially subject to export controls regulations. The transfer or exchange of *information* about science and technology also can constitute an [export](#) that is potentially subject to export controls. In some cases, this transfer of information or technology to a foreign national is regulated *even though it occurs inside the United States* (i.e., a "**deemed**" export).

For this reason, Emory requires that the "Deemed Export Decision Tree" be completed as a part of the immigration sponsorship application process. The "Deemed Exports Decision Tree" will assist you in determining whether a license potentially could be required for a prospective scholar based on his/her duties. If the scholar is expected to have more than one set of duties, such as both research and clinical duties, you must analyze each duty separately.

If you are unable to determine whether the scholar will be engaged in activities for which a license potentially could be required after using the Decision Tree, please contact the Office of Compliance at 404-727-2398 or compliance@emory.edu. Please keep in mind that if a license is required, it can take 45-90 days (or more, in some extreme cases) to obtain approval for the license from the appropriate federal agency, so please be sure to consider this delay in developing the schedule for your project. Also, note that approval is at the discretion of the federal agency. Please be aware that failure to obtain the appropriate license and/or failure to file accurate deemed export information on the visa petition can result in severe federal civil and criminal penalties for both the University and the involved individuals.

If your scholar needs U.S. immigration sponsorship, please contact [International Student and Scholar Services](#) to start the immigration sponsorship application process.

I-129 Deemed Export Certification Decision Tree

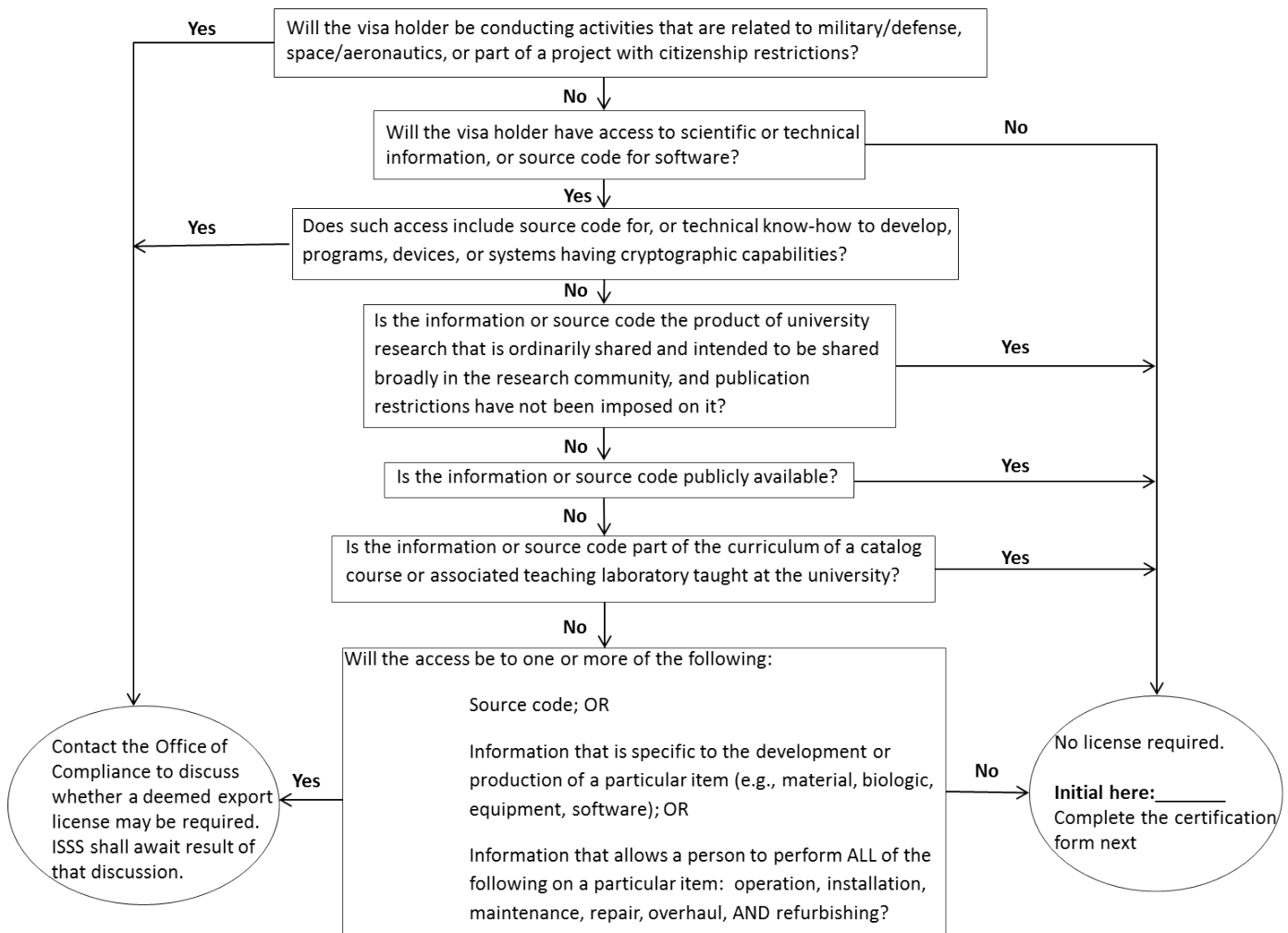
Follow the question path below in light of the prospective scholar's duties. If after reviewing the question path you reach the result "no license required", initial that decision box, complete the attached certification form, and return the forms to ISSS. If after reviewing you do not reach the result "no license required" for any of the duties of/intended disclosures to the prospective scholar, or you have any questions, contact the Office of Compliance ("OC") at (404) 727-2398 or compliance@emory.edu. **IMPORTANT:** Contact the OC if the prospective scholar is a citizen of **Iran, North Korea, Syria, the Sudan, or Cuba**.

In reviewing the below decision tree, note that "access" not only includes explicit oral or written disclosures, but also situations in which a person will have and ability to visually inspect items or materials.

Prospective scholar's name: _____

Name of supervisor who is reviewing this form: _____

Supervisor's signature: _____ Date: _____



Emory University Internal Certification – *No License Required*

By signing this document, I confirm that I work, or will work, in a capacity that enables me to anticipate the details of the job duties and responsibilities regarding the employment of

_____ (scholar's name)

_____ (scholar's citizenship)

if he/she be granted permission from the U.S. Government to work in the U.S. at Emory University. Further, I am familiar with the setting in which the prospective scholar will be working, including his or her access to equipment, software, and technical information.

I confirm that I have reviewed the attached "I-129 Certification Decision Tree" ("Decision Tree") and, having initialed the appropriate result, I certify that based upon the attached Decision Tree, the scholar will not have access to items or information for which a deemed export license may be required, or be engaged in any activities within the scope of his/her duties that may require a deemed exports license.

Additionally, I agree to notify the Office of Compliance before the duties of the prospective scholar are modified in a way that would change the result of the Decision Tree, or before the prospective scholar moves to a new office or lab, or begins work activity outside my control or knowledge.

I affirm that the contents of the foregoing certification are true, to the best of my knowledge, information, and belief.

Supervisor's Name

Supervisor's Signature

Date