University Of Wisconsin - Madison
FORM I-129: EXPORT CONTROL CERTIFICATION

US Citizenship and Immigration Services (USCIS) now requires all employers of non-immigrants in H-1B, L-1 (not applicable to universities) and O-1A status to certify on the petition, Form I-129, whether the beneficiary will be engaged in activities that might require an export license. The Principal Investigator or Department Chair must determine whether the beneficiary will have access to University-conducted research that includes hardware, software, technology, data, chemicals or biologic agents which are controlled as:

- *Military-related technology (defense article) under the International Traffic In Arms Regulations (ITAR)*
- *Dual use items under the Export Administration Regulations (EAR) – non-military related items / technology*

APPLICANT IDENTIFICATION

Beneficiary's Name:	**Country of Citizenship:**
Visa Type: H-1B ☐ O-1 ☐	**Previous Citizenships or Nationalities:**
Petition Type: New ☐ Ext or Amendment ☐	**Employing Department:**

Planned Projects/Activities:

Recertification: An Export Control Certification form was completed previously for this beneficiary on _____.
Have there been any changes in the beneficiary's job duties, employing department or export control status since that certification?
☐ *Yes; complete the Assessment again*   ☐ *No; skip questions, proceed to Authorization*   ☐ *NA; first certification for this beneficiary*

EXPORT CONTROL ASSESSMENT

TASK	RESPONSE
Q1) Will the beneficiary's job responsibilities involve research or activities in a scientific, engineering, technology, medical or veterinary field?	☐ Yes; proceed to question Q2 ☐ No; **NO LICENSE REQUIRED**, sign authorization below
Q2) Is the beneficiary a citizen of Cuba, Iran, North Korea, Sudan or Syria, who has **not** been granted permanent resident status or asylum in the U.S.?	☐ Yes; export license may be needed, contact POC ☐ No; proceed to question Q3
WILL THE BENEFICIARY HAVE ACCESS TO:	
Q3) Information that is **not** publicly available (i.e., not maintained in the Public Domain)?	☐ Yes; proceed to question Q3.1 ☐ No; proceed to question Q4
Q3.1) Information developed under a sponsored agreement that restricts participation or dissemination of results?	☐ Yes; export license may be needed, contact POC ☐ No; proceed to question Q3.2
Q3.2) Information of a scientific or technical nature provided by a 3rd party under a non-disclosure or confidentiality agreement (NDA)?	☐ Yes; export license may be needed, contact POC ☐ No; proceed to question Q4
Q4) Software containing encryption features (including travel abroad w/ it)?	☐ Yes; export license may be needed, contact POC ☐ No; proceed to question Q5
Q5) Software source code that is not publicly available?	☐ Yes; export license may be needed, contact POC ☐ No; proceed to question Q6
Q6) Items or information that support design, production or use of nuclear, chemical or biological weapons?	☐ Yes; export license may be needed, contact POC ☐ No; proceed to question Q7
Q7) Items or software listed in the ITAR US Munitions List (USML)? See 22CFR 121	☐ Yes; export license may be needed, contact POC List USML Category: ☐ No; proceed to question Q8
Q8) Items or software listed in the EAR Commerce Control List (CCL)? See 15CFR 774 Supplement 1	☐ Yes; export license may be needed, contact POC List CCL ECCN (Export Control Classification #): ☐ No; **NO LICENSE REQUIRED**, sign authorization below

AUTHORIZED BY

By signing below, I certify that the ITAR and EAR regulations have been reviewed to determine whether an export license is required for the above referenced beneficiary prior to the release of any technology or technical data covered by those regulations. If determined that an export license is required, I will prevent access to the controlled technology or technical data by the beneficiary until I have received the required license.

Authorizing Signature – Department Chair or Principal Investigator:

Signature:_____ Title:_____ Date:_____

REVIEWED BY

Signature:_____ Title:_____ Date:_____

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INSTRUCTIONS FOR COMPLETION
Form I-129: Export Control Certification

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The person completing the Export Control Certification form shall respond to the questions truthfully and to their most current understanding of the beneficiary's job responsibilities. For questions regarding this form, contact Tom Demke, UW-Madison Export Control Officer, (tom.demke@ssec.wisc.edu) or Bethany Nelson, UW-Madison Export Control Coordinator (bcnelson2@grad.wisc.edu).

Applicant Identification

1. **Beneficiary's Name** – Enter the full name of the person for which the application is being submitted.
2. **Visa Type** – Check the appropriate visa type. If not H-1B or O-1, no certification is needed.
3. **Petition Type** – Check appropriate box.
4. **Country of Citizenship** – Enter the country from which this person is a citizen.
5. **Previous Citizenships or Nationalities** – If the person is a dual citizen, has held previous citizenships or has been a national of a country not indicated by their citizenship, please enter here.
6. **Employing Department** – Enter the employing department or institute.
7. **Planned Project/Activities** – Describe the nature of the person's planned work. Phrases such as "research" or "servicing lab equipment" are not adequate. For research, describe the type of research in which the person will be engaged and their job tasks. For lab equipment, describe the type of equipment/software the person will be using. Attach additional pages if needed.
8. **Recertification**
    8.1 Departmental staff may forego completing the Export Control Assessment portion of this form, if an export control assessment has been documented previously for this beneficiary. The following criteria must be met to forego completing the assessment:
        8.1.1 The submission is for an extension of the current visa.
        8.1.2 The beneficiary is working for the same department as noted in their previous visa submission.
        8.1.3 There will be no changes in the beneficiary's job responsibilities or work tasks.
        8.1.4 The beneficiary must have a signed Export Control Certification form on file dated after Feb 21, 2011.
    8.2 Responses:
        8.2.1 Yes; complete Assessment again – Check this box when the application does not meet some or all of criteria 8.1.1 – 8.1.4.
        8.2.2 No; skip questions, proceed to authorization – Check this box when the application meets the above stated criteria. Indicate the date the previous certification form was completed (in line 1 of the Recertification section).
        8.2.3 NA; first certification for this beneficiary – Check this box if this is the first Export Control certification for this beneficiary.

Export Control Assessment

Q1. Export controls do not impact non-technical activities. Answer yes if the beneficiary will be working in a technical discipline or conducting technical work in a traditionally non-technical area (i.e., IT staff in the History Dept.).

Q2. Verify the beneficiary is not a citizen of a U.S.-embargoed E:1 country and has not been granted permanent residency (green card) or asylum in the U.S.

Q3. Verify that the project does not use or generate proprietary information or other information <u>not</u> in the public domain. Information is publicly-available (in the public domain) if it (1) arises from a research project that is free of any restrictions on publication or other dissemination of the research results or restrictions on foreign participation; (2) has previously been published or presented at an open conference; (3) is taught in university catalog courses; (4) is available for public sale or for viewing in public libraries; or (5) is contained in published patent applications.

Q3.1 Does the award (1) include specific restrictions on participation by non-US persons, or (2) restrict the researcher's ability to publish the research results beyond a temporary delay to protect confidential information or intellectual property rights (i.e., <u>limit the researcher's ability to publish</u> some or all of their work)?

Q3.2 Verify whether any project equipment, data or information that is technical or scientific in nature will be provided to the beneficiary under a non-disclosure agreement (NDA) and whether the NDA <u>limits the researcher's ability to publish</u> some or all of their work. NDAs covering personal, private or health-related information are considered non-technical (answer no).

Q4. Verify whether the beneficiary will be developing or working with encryption software.

Q5. Source code for software is <u>not</u> considered publicly available if it is <u>not</u> available for general distribution for free or at a price that does not exceed the cost of reproduction or distribution.

Q6. Will the person be working on activities that could support the design or production of weapons of mass destruction?

Q7. Does the beneficiary's work include items, information, software or data used for **military or spaceflight** purposes and is listed in the **U.S. Munitions List**? For assistance refer to the citation Q7.

Q8. Does the beneficiary's work include commercial items, information, software or data that could be used for **military, criminal or terrorism** purposes and is listed in the **Commerce Control List**? For assistance refer to the citation for Q8.

Authorization

1. **Authorizing Signature** – The Export Control Certification Form shall be signed by the Department Chair or PI for which the beneficiary will work, who understands the nature of the beneficiary's proposed work.
2. **Reviewer Signature** – The form shall be reviewed by the Export Control Officer or designate for completion and accuracy.
    2.1 The date of completion of the form is the date of the last signature (typically the Export Control Officer).