

## Deemed export certification for H-1B and O-1 visa petitions

Employers must certify they have reviewed Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and have determined whether a license is required from the U.S. Department of Commerce or the U.S. Department of State to allow foreign national employees access to controlled technology. Technology and technical data provided to a foreign national within the U.S. is considered an *export*. Your certification on this form will enable MIT to meet this requirement. **This attestation is REQUIRED for all H-1B and O-1 petitions.**

MIT campus research conducted in accordance with Research Policy 14.2, Open Research and Free Interchange of Information (<https://policies.mit.edu/policies-procedures/140-research-policies-and-public-and-private-support/142-open-research-and-free>) qualifies as Fundamental Research, which is exempt from EAR and ITAR export license requirements. Research Administration Services' (RAS) involvement in proposals and awards is intended to assure compliance with this policy. Export control guidance is provided at <https://research.mit.edu/integrity-and-compliance/export-control>.

*Please carefully consider the certification you are about to sign. If the principal investigator is out of the country, on sabbatical, or unable to complete and sign this certification, the Department, Laboratory or Center head must complete and sign it in their place.*

*If you are unsure of whether the foreign national's research qualifies as Fundamental Research, if this is for activities other than sponsored research, or if you have other questions, please discuss with MIT Export Control ([exportcontrolhelp@mit.edu](mailto:exportcontrolhelp@mit.edu); <https://research.mit.edu/integrity-and-compliance/export-control/contact-mit-export-control>) before you submit this certification.*

### **Certification**

*\*You must check one box and sign\**

With respect to the technology or technical data that MIT will release to the foreign national employee identified below or to which such foreign national will have access, I certify, based on my review of MIT policies, ITAR Employee Exemption Guidance, and/or discussion with one of MIT's Export Control Officers, that **(check one only)**:

- A license is not required from the U.S. Department of Commerce or the U.S. Department of State for reasons "a." or "b." below.**
  - a. The foreign national employee will have no access to export-controlled technology or technical data, where prohibited, and will participate only in **Fundamental Research**; or
  - b. The foreign national employee will participate in research that may use ITAR-controlled technology or technical data, and will be a bona fide full-time employee who **qualifies for the Fundamental Research Employee Exemption** or will be prevented from access to prohibited technology by a Technology Control Plan.
- A license is required** from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the foreign national employee and **MIT will prevent access to the controlled technology or technical data by the employee until and unless MIT has received the required license or other authorization to release it to the employee.**

I will notify both the International Scholars Office and MIT Export Control if circumstances change and this certification is no longer accurate.

PI or DLC Head signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name and title: \_\_\_\_\_

Name of the foreign national employee: \_\_\_\_\_