Deemed export certification for H-1B or O-1 visa application

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 US Department of Commerce or the US Department of State to allow foreign national employees access to controlled technology. Technology and technical data provided to a foreign national within the US is considered an export. Your certification on this form will enable MIT to meet this new requirement. This attestation is REQUIRED for all new and extension H-1B petitions and O-1 petitions.

MIT campus research conducted in accordance with Research Policy 14.2, Open Research and Free Interchange of Information (http://web.mit.edu/policies/14/14.2.html) qualifies as Fundamental Research, which is exempt from EAR and ITAR export license requirements. Office of Sponsored Programs’ involvement in proposals and awards is intended to assure compliance with this policy. Export control guidance is provided at http://osp.mit.edu/compliance/export-controls.

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 his/her 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 Janet Johnston (jcjohnst@mit.edu, 617.253.2762), MIT’s export control officer, before you submit this certification.

Certification

*You must check one box and sign the certification*

With respect to the technology or technical data that MIT will release to the foreign national identified below or to which such foreign national will have access, I certify, based on my review of MIT policies and export control guidance and/or discussion with MIT’s Export Control Officer, that (check one):

- The foreign national will participate only in Fundamental Research and no export-controlled technology or technical data will be used or disclosed; or

- The foreign national will participate in research that may use export-controlled technology or technical data or the research may not qualify as Fundamental Research, and I will contact MIT’s export control officer to provide the information required for the visa application; or

- The foreign national will participate in research that may use ITAR-controlled technical data and will be a bona fide full-time employee who qualifies for the Employee Exemption (see ITAR Employee Exemption Guidance and review with MIT’s export control officer).

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

PI or DLC Head signature: __________________________ Date: ____________

Printed name and title: ________________________________

Name of Foreign National: _____________________________