
Internal Audit Report

VISA PROCESSING

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I. EXECUTIVE SUMMARY

Internal Audit & Advisory Services (IAS) has completed an audit of the International Scholar & Student Services (ISSS) Office to evaluate the effectiveness of controls and compliance with federal immigration laws and university policies in the processing and maintenance of international visas held by scholars and student foreign nationals studying or working at the University of California – Santa Cruz (UCSC).

Overall, ISSS has established effective controls over the acquisition and maintenance of international scholar and student visas, and provided reasonable assurance that visa processing was in compliance with immigration laws and university policy. All enrolled F-1 students reviewed were reported in the federal Student & Exchange Visitor Information System (SEVIS) as required and their academic enrollment met federal requirements. In addition, F-1, J-1 and H-1B type international scholar and student files were reviewed and found to contain documentation required federal regulations without exception.

However, the effectiveness of the ISSS Office in assuring campus compliance with federal immigration laws could be improved by reinforcing the authority and reporting protocol of the office when addressing areas determined to have a potential or real conflict; ensuring that ISSS staff are adequately trained and have access to subject area experts; and ensuring that principal investigator awareness of deemed export control regulation is adequate.

The following issues requiring management corrective action were identified during the review:

A. Authority of ISSS Office

The authority and reporting protocol of the ISSS Office was compromised when ISSS staff were pressured by faculty sponsors to process visas in support of projects viewed as important to the campus mission, but in conflict with federal immigration law.

B. ISSS Staff Continuing Education

Due to their unusual federal responsibilities and very distinct compliance requirements, the level of ISSS staff training and mentoring from subject area experts needed to be given a higher priority.

C. Principal Investigator Awareness of Deemed Export Control Regulation

Principal investigators may not be sufficiently aware of the risks associated with deemed export control regulation when considering the use of foreign nationals in their research and completing certification requirements for H-1B international scholar petitions.

Management agreed to all corrective actions recommended to address risks identified in these areas. Observations and related management corrective actions are described in greater detail in section III of this report.

II. INTRODUCTION

Purpose

The purpose of this audit was to evaluate the effectiveness of controls and compliance with federal regulations and university policies over the processing and the maintenance of international visas held by academic students and scholars, studying or working at UCSC.

Background

The International Scholar & Student Services (ISSS) Office has primary responsibility for the processing and maintenance of international visas held by the scholar and student foreign nationals studying or working at UCSC and is the campus subject area expert and knowledge base for immigration matters. Their role on campus is to provide technical expertise and help the campus stay compliant with a considerable number of changing and high-risk immigration regulations, which is becoming a more significant activity with the continued increase in international scholars and students attending UCSC.

The ISSS Office reports to the Undergraduate Education Division. However, ISSS advisors have a direct line of accountability to the US Government as they are personally and directly accountable to the federal government for the accuracy of the information reported. ISSS advisors are required to be personally approved and authorized by the US Department of Homeland Security (DHS) in order to serve as Designated School Officials for the F-1 student program, and by DHS and the U.S. Department of State (DOS) to serve as Responsible Officers for the J-1 exchange visitor program for students and scholars.

In addition, ISSS staff personally sign-off on the biennial applications to the DHS and DOS to renew campus eligibility to the F-1 and J-1 programs; they personally create Certificates of Eligibility that enable prospective students and scholars to apply for visas at US consulates abroad; they personally sign-off on employment-based visa petitions for foreign national scholars and on all information transmitted to the government. ISSS advisors use SEVIS to process F-1 and J-1 immigration documents and to report to the federal government on all mandatory actions.

During fiscal year 2010-2011 (FY11), there was a population of 794 international scholars and students served by ISSS (refer to table below). Eighty eight percent (88%) of these students and scholars were reportable to the DHS through SEVIS.

International Students		
F Visa (SEVIS reportable)	275	Graduate and undergraduate students
J Visa (SEVIS reportable)	140	93% Education Abroad Program (EAP) students and 7% PhD students
Other Visa Types	49	Students on campus not SEVIS reportable, dependents of visa holders
Total	464	

International Scholars		
H-1B	40	Specialty Occupation
O-1	1	Extraordinary Ability
TN	6	NAFTA (Canada & Mexico)
J (SEVIS reportable)	281	Exchange Visitor Program
Other Types	2	
Total	330	

Each type of visa is under complex and specific regulations ruling campus continuing eligibility for the varied visa programs, student academic studies and their timing, exchange programs, employment off or on campus, duration of stay, status change, travel conditions, and others.

ISSS advisors also work directly with the U.S. Citizenship & Immigration Services (USCIS), and the U.S. Department of Labor (DOL) to handle employment-based visa categories including H-1B (Specialty Occupation), TN (Trade NAFTA), E-3 (Australia), O-1 (Extraordinary Ability) and Lawful Permanent Resident (green card holder).

ISSS advisors counsel scholars and students on the visa acquisition and in the upkeep of their legal status during their stay in the United States. They also provide employment-based visa advising and assistance to the UCSC Academic Personal Office (APO) and academic departments who hire foreign nationals.

ISSS staff and the campus could be subject to severe penalties for non-compliance with immigration laws, including:

- **Suspension or even permanent revocation of the F-1 or J-1 program.** A violation could subject the campus to possible cessation of these two programs, representing a major setback for the campus whose commitment is to increase its number of international students and attract foreign scholars to enable the university to carry out its research mission.
- **Debarment of ISSS staff if they sign off on inaccurate information.** ISSS staff who sign off on inaccurate information or do so through negligence, could be debarred, resulting in the loss of their career.
- **Fines and criminal charges for faculty, ISSS staff, UCSC administrators, and UC Regents.** Immigration agencies document lists of infractions and penalties, which include examples applied to higher education field.

To help ensure they are up to date with immigration law, ISSS staff participates in on-going professional training and informational networks, such as the Association of International Educators (NAFSA), Bay Area Professional International Educators Roundtable (BA-PIER), Northern California Scholar Advisors, and in UC systemwide activities.

Immigration agencies conduct unannounced audits in variable frequencies and on specific subjects. During the 2011 calendar year, H-1B visa holders were the objects of six such visits at UCSC as a result of Congress' current focus on this area.

Scope

We conducted interviews with the Division of Undergraduate Education's senior management, with the ISSS director, the international student advisor, the international scholar advisor and the employment based visa authorized official, as well as the University Extension (UNEX) international student advisor.

We spoke with the Academic Personnel Office (APO) staff, the UC director of Research Compliance, the UC Systemwide export control officer and contacted several similar immigration offices from other UC campuses.

We reviewed the last five internal audits conducted by other UC campus internal audit groups over the past five years in order to identify the most common issues to be considered for inclusion in the scope of this review. We also surveyed both ISSS and UNEX websites for the quality of information and guidance they provide.

We reviewed visa processing related sections of the Codes of Federal Regulations (CFR) and university policies. We reviewed export control regulation as related to H1-B visa processing by principal investigators when bringing in foreign nationals for assistance in their research.

We reviewed 26 files of F-1, J-1 and H-1B visa holders for federal compliance of content, and tested all 275 students listed as spring F-1 students for correctness of enrollment and accurate reporting to the government.

A more detailed summary of work performed and results is included in Appendix A.

Observation of Noteworthy Practices

During the course of our assessment, we also made the following observations of noteworthy activities having a positive impact on the campus international visa processing:

- International advisors applied due diligence in the selected processes we tested
- Newly updated ISSS and UNEX websites provided efficient information to students, scholars and campus units to apply for and maintain visa status.
- After the mandatory initial and informational workshops for new students and scholars, the international advisors offered additional workshops to the foreign nationals in order to support them maintaining their visa status during their stay in the US.
- As an additional service, ISSS advisors had a protocol to follow-up as much as possible students and scholars to remind them of their obligation, mostly by emails.
- APO and ISSS both enjoyed a mutually efficient working relationship.

III. OBSERVATIONS REQUIRING MANAGEMENT CORRECTIVE ACTION

A. Authority of ISSS Office		
<p>The authority and reporting protocol of the ISSS Office was compromised when ISSS staff were pressured by faculty sponsors to process visas in support of projects viewed as important to the campus mission, but in conflict with federal immigration law.</p>		
Risk Statement/Effect		
<p>ISSS Office authority and protocol for applying immigration law to campus activities and managing disputes between sponsors and the ISSS Office must be well defined and consistently executed. Otherwise the campus could be at risk of incurring regulatory violations, leading to severe penalties to the university.</p>		
Agreements		
A.1	<p>The vice provost/dean of Undergraduate Education will work with the ISSS director to develop a reporting protocol to be followed whenever the ISSS Office is unduly pressured to take action inconsistent with immigration law.</p>	Implementation Date
		7/1/12
		Responsible Manager
		Assistant Vice Provost for DUE
A.2	<p>The vice provost/dean of Undergraduate Education has taken steps to ensure that the J-1 Specialist visa is no longer used for accommodating foreign national undergraduate students.</p>	Implementation Date
		2/16/12
		Responsible Manager
		ISSS Director
A.3	<p>The vice provost/dean of Undergraduate Education will explore the feasibility of creating a J-1 Student Intern Program, which includes an option for the sharing of costs of such a program with the sponsoring academic department.</p>	Implementation Date
		11/15/12
		Responsible Manager
		ISSS Director

A. Authority of ISSS Staff - Detailed Comments

ISSS staff are directly accountable to governmental agencies in their processing and approval of foreign national visas. In order to effectively ensure federal compliance on campus, they must not be unduly influenced in exercising their authority in matters of immigration law.

Not often, but on occasion, ISSS staff members have been placed in a difficult position of enforcing compliance with federal immigration regulations and university policies in direct conflict with the need of faculty members in conducting their work. In these cases, pressure was placed on the ISSS staff to exercise more leniency in their interpretation of the regulation. During the past year, two such examples came to our attention:

1. Inappropriate use of J-1 Specialist visas for three foreign national undergraduate students

Three international undergraduate students were brought on campus for the last three summers on a J-1 specialist visa.

The criteria for a J-1 specialist given by the Code of Federal Regulation 22 CFR 62.4.g states:

“Specialist: an individual who is an expert in a field of specialized knowledge or skill coming to the United States for observing, consulting, or demonstrating special skills and who seeks to travel to the United States for the purpose of observing, consulting, or demonstrating his or her special knowledge or skills.”

The undergraduate students did not qualify as “experts in their field”. However, the professor had already engaged the students without consulting ISSS and exercised pressure on ISSS to find a way to bring these three students to UCSC.

The ISSS Office had determined that the most appropriate visa method for bringing these foreign students to UCSC would be under a J-1 Student Intern program. However, a J-1 Student Intern program had not been established on campus, and could not be created due to a lack of resources. The ISSS Office consulted other UC campuses and sought advice from a UCOP certified immigration attorney. There had been discussion among some campuses who had considered using this category for bringing in foreign students; some campuses were opting to use the J-1 Specialist visa category while others had decided categorically not to. The UCOP immigration attorney indicated that using the J-1 Specialist visa was the least egregious category for accommodating these foreign students.

ISSS advisors, uncomfortable with this choice and fearing personal penalties for approving this approach, refused to sign on the DS-2019 visa petition form. The ISSS director signed for them under the condition that the sponsoring department would certify in writing each one of these students meet the “specialist” criteria.

In April 2011, at a systemwide directors’ meeting, international office directors were informed that several UC campuses had recent on-site visits from the DOS Exchange Visitor Program and that a clear verbal notice had been given to not use J-1 specialist visa for undergraduates. Written follow-up from the DOS visit is expected, it is not yet known if penalties will be applied.

With DOS confirmation, campuses will no longer make use of this visa category for visiting undergraduate students. The Division of Undergraduate Education has recently initiated a J-1 Student Intern pilot program for one professor and his undergraduate summer scholarship interns.

2. **Scholar health insurance requirement disputed by faculty.**

“22 CFR Part 62.14” states:

“Sponsors shall require each exchange visitor to have insurance in effect which covers the exchange visitor for sickness or accident during the period of time that an exchange visitor participates in the sponsor's exchange visitor program.”

ISSS has recently had a long and difficult interaction with a professor who wanted to secure the position of a scholar, and was upset by the request ISSS was making to comply with the J-1 scholar visa health insurance requirement. The pressure and inappropriate interactions exerted by this professor presented a major distraction for ISSS staff. While the issue has been subsequently resolved, this example demonstrates the environment that the ISSS Office can be faced with in enforcing immigration law.

The risk of non-compliance in these two examples demonstrates that when faced with an issue under conflict, it is important that the ISSS interpretation is not made under undue pressure. ISSS needs to be able to conduct research within their own networks and resources to see how best to interpret the law without being swayed by individual interests. A formal reporting protocol from the ISSS director to the Division of Undergraduate Education senior management would allow senior management to be alerted to instances of ISSS concern of its authority being unduly questioned and would enable it to intervene and help resolve the conflict to the best interest of the campus.

B. ISSS Staff Continuing Education		
Due to their unusual federal responsibilities and very distinct compliance requirements, the level of ISSS staff training and mentoring from subject area experts needed to be given a higher priority.		
Risk Statement/Effect		
The effectiveness of the ISSS Office in keeping the campus compliant with federal immigration laws depends heavily on their current knowledge of these laws and their most recent changes and interpretations.		
Agreement		
B.1	The assistant vice provost for DUE will work with the ISSS director to determine and provide the ISSS Office with the professional development opportunities that would ensure the fulfillment of their role on campus.	Implementation Date
		11/15/12
		Responsible Manager
		Assistant Vice Provost for DUE

B. ISSS Staff Continuing Education - Detailed Comments

The recent goal of the campus has been to increase the number of foreign nationals brought on campus. With this area growing, the risk associated with a foreign national population will continue to increase. Ensuring that the campus has the capacity to administer the increase in foreign students and scholars will require sufficient resourcing and continued professional education of the ISSS staff.

The ISSS staff works in a highly compliant, regulated area with increased risks associated with frequent changes in regulation. ISSS is responsible for helping campus comply with immigration laws and in order to keep current, staff need to be exposed to frequent contact with federal agencies and peers through regular conferences and meetings.

One of the visa program participation conditions established by the federal agencies is for universities to provide the immigration staff with appropriate training in order to be able to correctly comply with their regulations. Violations are subject to sanctions. When applying for biennial visa program renewals, the executive vice chancellor (EVC) signs off on the following statement:

“I will be responsible for providing the resources and training necessary for these officials to implement properly the above referenced regulations.”

National and regional week-long conferences occur annually. The national conference particularly allows for direct access to high-level administrators from federal immigration agencies, a unique

opportunity for the advisors to have direct interactions and ask specific questions to these high officials.

The director participates in the UC international office directors' systemwide group, which meets twice per year to discuss immigration issues affecting all UC campuses and share best practices. It is an opportunity for the ISSS director to hear a greater variety of issues from larger campuses and to have direct contact with UCOP officials from offices such as Academic Personnel, General Counsel, Student Affairs and Governmental Relations with Washington D.C. It also allows her to strengthen her network of peers, which is a great resource for addressing ambiguous questions and issues throughout the year.

Up until recently, ISSS staff had attended these conferences and meetings. However, budget reductions have resulted in the curtailment of some of these conferences/meetings. In light of campus goals to increase foreign students and scholars, and the highly compliance oriented nature of this office, it would be prudent to revisit the adequacy of ISSS staff continuing education.

The ISSS director has estimated a minimum professional development required to ensure campus compliance: a combination of yearly NAFSA national conferences, special training for new staff and UC international offices directors' bi-annual meetings. We found this estimate to match the staff training standards held by the other UC campuses international office directors with whom we spoke.

C. Principal Investigator Awareness of Deemed Export Control Regulation

Principal investigators may not be sufficiently aware of the risks associated with deemed export control regulation when considering the use of foreign nationals in their research and when completing certification requirements for H-1B international scholar petitions.

Risk Statement/Effect

While most campus research activities involving export control are provided protection from the provisions of export control regulation under the university’s safe harbor, Fundamental Research Exclusion (FRE), principal investigators who include foreign nationals in their research should be aware of the situations that could invalidate the FRE, which could occur if working on consulting or collaborative research with private companies and or on their own start-up companies. Principal investigators who directly or unknowingly allow foreign nationals access to work outside of the parameters covered by FRE protection could be subjected to severe fines and penalties for export control violation.

Agreement

C.1	The vice provost/dean of Undergraduate Education has made available to principal investigators considering the use of foreign nationals in their research or signing the I-129 Export Control Compliance Certification form, information on basic deemed export control issues and risks.	Implementation Date
		2/17/12
		Responsible Manager
		Vice Provost & Dean of Undergraduate Education

C. Principal Investigator Awareness of Deemed Export Control Regulation - Detailed Comments

1. H-1B Petition

In November 2010, as part of a sharp increase in federal enforcement of immigration regulation, the US Customs and Immigration Service (USCIS) announced the promulgation of a new version of the H-1B petition form for H-1B visa applications, referred to as form I-129. Part 6 of this form now requests information concerning export control issues that may be associated with the H-1B beneficiary’s employment. This new requirement was put in place to address: “...vulnerabilities in the deemed export licensing system that could allow technology transfers to countries of concern”. Deemed export refers to the transfer, release, or disclosure of technical data about controlled articles to foreign persons in the United States.

Employers have always been liable for export control violations, but are now required to certify on the I-129 form itself that after reviewing the Export Administration Regulations (EAR) and the

International Traffic in Arms (ITAR), they have determined that a license is not required from either U.S. Department of Commerce or the U.S. Department of State to release specific technologies or technical data to the foreign person they are petitioning.

This new regulation places a clear liability on academic division deans and principal investigators as their signature of Part 6 attests that no license was needed with regards to the potential employment of a foreign national.

In response to the new USCIS requirement, each UC campus created a local attestation form for back-up documentation of the H-1B petition to be signed by the principal investigator who is hiring and would be supervising the international scholar and visa holder. (Refer to Appendix B)

The ISSS Office, consistent with several other UC campuses, has now included a statement in their I-129 form alerting the principal investigator of the seriousness and possible consequences of their signed attestation, if incorrect information is given. The form also includes the Office of Sponsored Projects (OSP) as a contact reference.

2. Discussion on Export Control Risk on Campus

The UCSC vice chancellor for research (VCR) recently shared his assessment of export control risk on campus:

“UCSC is in a somewhat distinct situation from the other campuses, in that we have literally zero campus export control issues concerning research-related activities. We do have substantial export control issues at the UARC, where we have a fulltime professional export control person who participates in all the systemwide activities, so that is well covered.”

Furthermore, the VCR described three areas where export control regulation impacts campus activities. The first being the H1-B process, handled by the Division of Undergraduate Education, and the subject of this audit; the second being the overseas shipment of tangible goods overseen by the Environmental Health and Safety unit, with an estimate of biennial occurrence; and lastly the potential of research export control, in which the VCR stated that in the 10 years history of the ITAR/EAR laws, there had never once been an export control matter to reach the UCSC Office of Research. Based on the VCR’s assessment, except for the University Affiliated Research Center (UARC), the UCSC campus runs a very low risk of export control related violation.

Consistent with the VCR’s assessment, we confirmed that UC research falls under the safe harbor umbrella of the FRE with published results and is therefore generally not subject to export control regulation.

However, both the UC Director of Research Compliance and the UC Systemwide Export Control Officer have expressed concerns that a principal investigator could be engaged in activities that are not protected by the FRE. Both have communicated there is a risk to the campus of export control violation when a principal investigator is involved in activities such as consulting with a private company, participating in research centers or conducting their own start-up companies.

Given these concerns and the increase in accountability over the H-1B certification process, it would be prudent to consider that a foreign national hired by the campus and working with principal investigator engaged in any of these outside endeavors could directly or indirectly gain knowledge on the investigator work that is not considered fundamental research. The principal investigator would need to insure that the foreign national has no access to non-fundamental research data; the same precaution would also need to be taken for any of the professor's foreign national students working in his/her laboratory. It is not known whether or not principal investigators are aware of this risk and how they can protect themselves from exposure to a violation in export control law.

We have noted other universities share this concern. Along with a more recent emphasis by the federal government on compliance with export control regulation (demonstrated by a recent increase in denials of new and returning foreign nationals H-1B visas showing a change in the environment), we have identified steps taken by other universities to protect their principal investigators and increase faculty sensitivity on export control matters. (Refer to Appendix B for a list of basic information and related links).

The campus has established a new Export and Hazardous Materials Shipping Specialist and provides assistance to researchers with their shipment and import needs. In addition, while UARC has published information related to the risk of deemed exports and employs an export control expert, campus guidance indicates that reliance be placed exclusively on the exclusion for disclosure of technical information applicable to fundamental research and does not address the possibility that a Principal Investigator could engage in activities not protected under FRE. Lastly, we did not observe the existence of a specific campus contact on deemed exports to alert principal investigators of potential risk in this area.

It would be prudent to provide principal investigators with explicit information describing situations where they might be unknowingly at risk and encourage them to examine this information carefully prior to signing the I-129 Export Control Compliance Certification form. When informed of this need, the Vice Provost & Dean of Undergraduate Education responded by posting on the ISSS website, links to export control information from other UC campus web sites, thus providing principal investigators with education and awareness on this subject.

APPENDIX A – Summary of Work Performed and Results

Work Performed	Results
Student Visas (F-1 & J-1) – Spring 2011	
Reviewed a selection of on campus F-1 student files on for mandatory content: signed and stamped I-20, I-94 with visa info, passport and visa copies, graduate students admission letter, Curricular Practical Training (CPT) and Optional Practical Training (OPT) authorization, financial certification, etc...	All files selected contained all required documents.
Conducted a similar review for F-1 students at UNEX, Santa Clara.	All files selected contained all required documents.
Reviewed a selection of on campus J-1 student files for mandatory content: signed and stamped DS-2019, I-94 with visa info, passport and visa copies, department letter authorizing academic training, graduate students admission letter, health insurance for program duration.	All files selected contained all required documents.
Compared the list of F-1 students in AIS and the list of fsa/ATLAS students to be uploaded in SEVIS, for 100% cohesion.	Both lists were matching. All discrepancies were explained satisfactorily by ISSS.
Reviewed the AIS F-1 student list: Tested all undergraduate and graduate students for compliance with the federal requirement for academic units enrollment.	The federal requirement of maintaining a course load of 10 units for graduate students and 12 units for undergraduates was fulfilled. Any under enrollment could be explained satisfactorily by ISSS.
Scholar Visas (J-1) – Spring 2011	
Reviewed a selection of on campus J-1 scholar files for mandatory content: signed and stamped DS-2019, I-94 with visa info, passport and visa copies, financial requirement documentation, health insurance certification	All files selected contained all required documents.
Employment-Based Visas (H-1B) – Spring 2011	
Conducted a selection of H-1B scholar files for mandatory content: I-797 USCIS approval notice, I-94 with visa info, passport and visa copies, I-129 H-1B signed petition, DOL ETA-9035 form signed by Dept. Chair, PI & Dean, Employer’s letter	All files selected contained all required documents.
Verified for a selected number of H-1B scholars that the salary received was equal or above the minimum required by the Department of Labor (prevailing wages).	All scholars were found to be receiving a salary at or above the required level.

Work Performed	Results
ISSS Staff Continuing Education	
Reviewed the average staff professional training taken by ISSS advisors from three other campuses.	The standard level of training taken by ISSS staffs from three other UC campuses included attendance at the NAFSA yearly national conference and UC ISSS directors' bi-annual meetings.
Working without Salary (WOS)	
Verified with the Academic Personnel Office the process they had for ensuring that non-salaried workers are entered in PPS with the code WOS	Controls in place as described included a tight liaison of systems established by APO with divisional human resources staff. APO has a high level of confidence that students and scholars working on campus in salary are recorded in PPS and are given the WOS code.
Computer Security	
Conducted a search for the presence of social security numbers using PowerGREP software on the international student advisor computer.	More than 1,000 files were tested; no social security numbers were identified.
Lawful Permanent Residency - Green Cards	
Reviewed volume and risks associated with the processing of green cards.	About 12 to 25 green cards are processed by ISSS each year. legal work is outsourced to a UCOP approved outside immigration attorney.

APPENDIX B – Links to Deemed Export Control Information on UC Websites

University Affiliated Research Center (UARC)

Training provided by UARC Export Control person. Page 8 to 13 provides a quick overview of Export Control regulations. (pdf) [Introduction - UARC](#)

UC Merced

Academic Short Briefing on Export Controls:

<http://rci.ucmerced.edu/2.asp?uc=1&lvl2=44&contentid=23>

UC Santa Barbara (UCSB)

Foreign Nationals and Deemed Exports: <http://www.research.ucsb.edu/compliance/export-control/foreign-nationals-and-deemed-exports/>

UC Riverside (UCR)

Export Controls: <http://or.ucr.edu/spa/export-controls.aspx>

See Section: Foreign Nationals & Deemed Exports containing the following segments:

- 1) Deemed Exports:
<http://or.ucr.edu/spa/export-controls/foreign-deemed-exports.aspx>
- 2) Deemed Exports: UC Compliance Plan
<http://or.ucr.edu/spa/export-controls/foreign-foreign-nationals-deemed-exports.aspx>
- 3) Deemed Exports: What you need to do
<http://or.ucr.edu/spa/export-controls/foreign-what-you-need-to-do.aspx>
- 4) Deemed Exports: Key Terms
<http://or.ucr.edu/spa/export-controls/foreign-key-terms.aspx>

UC San Francisco (UCSF)

Export Controls: <http://compliance.ucsf.edu/exportcontrols.html> - See link **Export Compliance in a Nutshell** (pdf)

UC Los Angeles (UCLA)

Research Policy & Compliance: <http://www.research.ucla.edu/researchpol/nsreg.htm>

See **UCLA Quick Guide - Export Control Regulations**

UC – Office of Ethics, Compliance & Audit Services / Research Compliance/Export Controls

<http://www.universityofcalifornia.edu/compaudit/researchcomp/exportctrls/resources.html>

Section **Training** contains varied presentation on export control subject. Although needing to be updated as per UC Export Control Officer, they still have relevance.

In the Training section, the link **Export Control Training: What we need to know** gives access to both the video and the hand-out of a presentation made in Irvine in May 2009, by Don Fisher, Principal of Fischer & Associates

APPENDIX C – I-129 Export Control Compliance Certification

I-129 Export Control Compliance Certification



- The individual who will be supervising the visa beneficiary and who is knowledgeable about the beneficiary’s intended employment responsibilities should complete this certification.
• Once completed, this form should be submitted to ISSS with the H-1B Petition Request dossier.

Name of employee (as it appears on passport): [] [] []
(Last/Family Name), (First) (Middle)

Country(ies) of Citizenship: [] Dates of employment (mm/dd/yyyy): [] - []

UCSC Academic Title: [] Dept/Div: []

Will the visa beneficiary be working in one of the following areas: biomedical sciences, computer sciences, space sciences, engineering or other physical or biological scientific disciplines? Please check one below:

- 1. No. Please sign and date this form below and submit it to the ISSS Office, as part of the H-1B Petition Request dossier. (Box 1 in Part 6 of the I-129 form may be checked.)
2. Yes. Please check the boxes below and sign and date at the bottom.
Yes. No. The research agreement (e.g., grant or contract) on which the beneficiary will be working restricts or prohibits the participation of foreign persons in the project.
Yes. No. The research agreement (e.g., grant or contract) on which the beneficiary will be working restricts or prohibits the research team’s right to publish any of the data or research results.
Yes. No. In performing the work under the visa, the beneficiary will be provided access to any of the following:
o Technical information that has been stamped “export controlled”
o Sponsor or third-party proprietary or confidential information, materials, or software not available for purchase by the general public;
o Encryption code;
o Equipment specifically designed or developed for military applications, or for space applications other than fundamental research.

Questions regarding restrictions within sponsored research awards should be addressed to the UCSC Office of Sponsored Projects.

I understand that failure to accurately complete this questionnaire could result in U.S. export control violations for which civil and criminal penalties can be assessed against an individual, including myself, found to have caused a violation, and/or against the University of California. I attest that I am a person knowledgeable about the applicant’s intended job duties and that the information provided above is accurate.

Sponsor/Principal Investigator/Dean: [] [] []
Signature Print name Date