

## Export Control

### Process Overview

Foreign nationals may be restricted from participating in certain research activities, whether they are abroad or in the U.S. They might need a license from the export organizations in the U.S. Department of State or the Department of Commerce (or possibly, some other government agency) in order to participate in the desired research. As part of the application process for certain immigration benefits, including H-1B status, FSIS will provide the hiring department with a questionnaire that addresses export control issues.

- This questionnaire should be completed whenever it is requested by FSIS;
- It should be completed by a person thoroughly familiar with the (proposed) work of the foreign national, but must not be completed by the foreign national him or herself.
- Depending on the answers given to the questions on the questionnaire, the Office of Research may need to make a determination.

FSIS is required to disclose to USCIS if an export license is required for a given individual at the moment of filing of a given immigration petition. It is possible that a license is not required initially, but that one becomes necessary later on based on, for example, a new funding source or a slightly different research focus. While no new immigration petition may be required to report this need for a license, it is the department's responsibility to comply with any and all licensing requirements. Therefore, any changes to a foreign national's employment at the University may need to be discussed with the Office of Research.

Should a foreign national not be able to work temporarily while awaiting the issuance of the export license, the department may be required to pay the foreign national for the period of time he or she cannot work, depending on the immigration status the person holds.

### Background

Usually, a license only is needed if there is research support under a contract that requires approval from the sponsor to publish the research results. If the project involves classified information or items, the individuals may need a security clearance. There could also be a problem if, in order to participate in the intended manner, the person would need access to information or computer software (e.g., from the sponsor or other research organizations) that is subject to certain controls under the export regulations. Controlled information might be obtainable by access to certain equipment, devices or materials; therefore needed access to such items might be controlled under the regulations. If such access is needed, licenses might be required from the government.

Depending upon the country of the foreign nationals, the government may have a policy of denying licenses with regard to certain types of technology or in general.

## Remediating Potential Delays & More Information

- If you select a foreign national employee for a research position, use one of the job offer letter templates written specifically for research positions to ensure that the letter is worded appropriately and to avoid misinterpretation of the terms of the position by U.S. Citizenship and Immigration Services. Refer to [Research Faculty Offer Letters](#) [1] for the job offer letter templates.
- Also, be aware that he/she may have a longer interview at a U.S. embassy or consulate. To prepare for the interview, we recommend that you:
- Provide the employee with a letter on U-M departmental letterhead, signed by the department chair that describes, in detail, the nature of the research work including if the research work is considered “dual use technology”. (“Dual use technology” means that it has the potential for military application.)
- Inform the employee that he/she should be prepared to answer detailed questions about his/her research position and work at U-M, and to use clear, direct language when responding to questions.

For information about export control regulations, refer to [A Quick Guide to Export Control Regulations and Restrictions and Access by Foreign Nationals](#) [2]

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**Source URL:** <https://internationalcenter.umich.edu/fsis/export-control>

### Links

[1] <https://research.umich.edu/templates-research-faculty-offer-letters>

[2] <https://research-compliance.umich.edu/export-controls>