

Export Control Considerations - Controlled research with foreign faculty, staff, students

As the result of U.S. government regulations, foreign individuals may have limitations imposed or restrictions from participating in controlled research activities. Projects involving classified or controlled information/items may require security clearances, may require a deemed export license, or may limit participation outright. Depending upon the home country of foreign persons, the U.S. government may have a policy of denying licenses with regard to certain types of technology or in general.

Who does the U.S. Government consider a U.S. Person/Foreign Person?

A U.S. Person is:

- A citizen or national of the United States
- A permanent resident (green card holder) of the United States
- A person granted asylum, refugee status or amnesty by the U.S. government
- A U.S. company, university, organization, or government division

A Foreign Person is:

- Anyone who does not meet the definition of a U.S. Person as outlined above
 - i.e., foreign nationals in U.S. on work or student visas

Faculty and Staff

- As required by the U.S. Dept. of Homeland Security, all foreign faculty and staff employed at UW-Milwaukee on a H1-B or O-1 visa undergo a review to determine if a deemed export license is required for them to conduct their planned job activities.
- Restricted Party Screening are used to determine if persons or organizations are included on any of the U.S. government's restricted party lists.
- If research is part of a position requirement, it is important to identify any export control regulations or issues that would prevent an individual from performing the duties of the job.

Students

- For export control purposes, foreign students of any level are considered as foreign persons.
- When considering foreign students for research assistant positions, it is important to consider whether the research has restrictions imposed by export control laws.
- Graduate students conducting their own research require additional scrutiny to ensure that their proposed plan of study and research does not violate U.S. law.
- Education Exemption – A license is not required to transfer information in science, math or engineering to foreign students that is taught in catalogued courses.