 International Employees

**Deemed Export Control Certification**

Several employment-based immigration petitions (H-1B, O-1, etc.) require a certification regarding the release of controlled technology or technical data to foreign persons in the United States. The University is also required to determine if an export control license is required from either the U.S. Department of Commerce or the U.S. Department of State. Please answer the questions below and return this document to the Director of International Employment and Immigration ([gille@montclair.edu](mailto:gille@montclair.edu)) with a CC to [andersonmar@montclair.edu](mailto:andersonmar@montclair.edu) and [camposn@montclair.edu](mailto:camposn@montclair.edu) in the Office of University Counsel.

The preparer of this Certification must list in the table on page 4 ALL equipment, materials or software to which the immigration applicant will be provided access as an employee of the University, and is responsible for contacting the manufacturer of each item to request the manufacturer's self-classification of the item under ITAR regulations, and the ECCN number under EAR regulations, including all of this information in the table on page 4. Many companies provide lists of their products by model numbers with corresponding ECCNs on the company’s website. As a starting point, the Office of University Counsel will provide you with a list of items commonly used by Montclair State University faculty and/or staff.

**International Employee**

**or Prospective Employee:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

Name E-mail Phone

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Country of Birth Department and Title

**Direct Supervisor:**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

Name E-mail Phone

**Division Contact:**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_

Name E-mail Phone

**Questions:**

1) Will the foreign person be provided access to any technical data, materials or technology that is considered proprietary or confidential? Yes [ ] No [ ]

2) Will the foreign person be provided access to any technical data, materials or technology that is regulated by ITAR or EAR?\* Yes [ ] No [ ]

\*See attached list for ITAR and EAR resources.

If you answered “No” to the above, please describe the information, materials or software the individual will have access to as an employee of the University:

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3) Using the form on page 4, please create a list of all technology, equipment, materials or software the individual will have access to as an employee of the University. In the list, please include the manufacturer, description of the item, whether it is capable of a use identified by ITAR, and the ECCN number assigned by the manufacturer under EAR. You must contact the manufacturer for this information. Attach PDFs of any manufacturer lists of ECCNs and/or any emails received from manufacturers providing a response as your supporting documentation.

4) Will the foreign person be provided access to equipment specifically designed or developed for military or space applications? Yes [ ] No [ ]

5) Will the foreign person be involved in any research projects? Yes [ ] No [ ]

a) If so, will any of the research be sponsored, in whole or part, by either the institution or an

external sponsor, including the federal government? Yes [ ] No [ ]

b) If so, please provide the project and any identification number(s), if available.

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c) If so, please describe in detail the research that will be performed, including whether the

research results will be taught, published, or otherwise shared with the interested public.

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6) Is the applicant on any of the U.S. Government’s Restricted Party Lists? Yes [ ] No [ ]

Search the consolidated screening list here: <https://www.trade.gov/data-visualization/csl-search>

**If you are unable to answer any of these questions, please contact us via the e-mail addresses on page 1 for assistance.**

FINANCIAL AND CRIMINAL PENALTIES MAY BE IMPOSED UPON MONTCLAIR STATE UNIVERSITY AND INDIVIDUAL EMPLOYEES FOR NON-COMPLIANCE WITH FEDERAL EXPORT CONTROL REGULATIONS. FOR THE UNIVERSITY, A FINE MAY BE IMPOSED UP TO THE GREATER OF $1 MILLION OR 5 TIMES THE VALUE OF THE EXPORTS FOR EACH VIOLATION. FOR INDIVIDUALS, A FINE MAY BE IMPOSED UP TO $250,000 OR IMPRISONMENT FOR UP TO 20 YEARS, OR BOTH, FOR EACH VIOLATION.

By my signature below, I certify that the foregoing responses are accurate and true. I am aware that if the foregoing statements are not true, I am subject to disciplinary action in accordance with University policy, and may be personally liable for civil and criminal penalties.

Signature of Employee or Prospective Employee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Direct Supervisor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

The U.S. Munitions List created by the International Traffic in Arms Regulations (ITAR) can be found here: <https://www.federalregister.gov/documents/2020/01/23/2020-00574/international-traffic-in-arms-regulations-us-munitions-list-categories-i-ii-and-iii>

**ITAR Categories include**:

I-Firearms, Close Assault Weapons and Combat Shotguns

Category II-Guns and Armament

Category III-Ammunition/Ordnance

Category IV-Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines

Category V-Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents Category VI-Vessels of War and Special Naval Equipment

Category VII-Tanks and Military Vehicles

Category VIII-Aircraft and Associated Equipment

Category IX-Military Training Equipment and Training

Category X-Protective Personnel Equipment and Shelters

Category XI-Military Electronics

Category XII-Fire Control, Range Finder, Optical and Guidance and Control Equipment Category XIII-Auxiliary Military Equipment

Category XIV-Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment

Category XV-Spacecraft Systems and Associated Equipment Category

XVI-Nuclear Weapons, Design and Testing Related Items Category XVII-Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated Category

XVIII-Directed Energy Weapons

Category XIX [Reserved]

Category XX-Submersible Vessels, Oceanographic and Associated Equipment

Category XXI-Miscellaneous Article

The Export Administration Regulations (EAR) can be found here: <https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

**EAR Categories include**:

Category 1 - Nuclear Materials, Facilities & Equipment (and Miscellaneous Items) Category 1 - Materials, Chemicals, Microorganisms, and Toxins

Category 2 - Materials Processing

Category 3 - Electronics

Category 4 - Computers

Category 5 (Part 1) - Telecommunications Category S (Part 2) - Information Security

Category 6 - Sensors and Lasers

Category 7 - Navigation and Avionics Category

8 - Marine

Category 9 - Propulsion Systems, Space Vehicles and Related Equipment

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| --- | --- | --- | --- | --- | --- | --- |
| **Manufacturer** | **Name of Item (Describe item if name is unknown)** | **Model Number** | **Subject to ITAR**  **(See page 3; answer Yes/No)** | **EAR Category (See page 3)** | **ECCN # assigned under EAR** | **Source of Information (Include link to website)** |
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