

ACADEMIC DEPARTMENTS REQUESTING A DS-2019 FOR A J-1 EXCHANGE VISITOR

The federal government implemented several mandates pertaining to foreign influence concerns. To that end, all colleges/universities that choose to sponsor a J-1 Exchange Visitor (EV), is required to (i) review the **Export Administration Regulations** (EAR) administered by the U.S. Department of Commerce and the **International Traffic in Arms Regulations** (ITAR) administered by the U.S. Department of State, and (ii) determine whether or not a license is required to allow the Exchange Visitor(s) access to export controlled items or technology (laboratory equipment/research instruments, materials, software or technology/technical data).

Consequently, CUNY created a Task Force on Foreign Influence in 2020, and a questionnaire has been created in an effort to comply with United States Export Control regulations. The Questionnaire is designed to facilitate compliance with export control regulations. Though all Exchange Visitors are subject to Export Control, including Research Scholars, Short Term Scholars, Professors, Specialists, Students, and Student Interns, this questionnaire is **only** focusing on Research Scholars and Short Term Scholars coming to CUNY. This questionnaire must be completed by the **Primary Investigator (PI)** and it could be the inviting/host faculty member, or immediate supervisor, and must be reviewed and approved by the Provost's Office in conjunction with the ECA, HR Designee, and the Grants' Office. At this point, a request for visual compliance screening must be submitted to the Central Office of International Student and Scholar Services.

After that, the whole compiled package must be sent to the J-1 Responsible Officer in the campus Office of International Student and Scholar Services or the office that is responsible for the issuance of the SEVIS DS-2019 Certificate of Eligibility. The complete package must be received by the campus J-1 Responsible Officer at least **two** to **three** months before the arrival of the J-1 Exchange Visitor. Receipt of the questionnaire and clearance of the Exchange Visitor is a condition of issuing the DS-2019. As stated above, the Questionnaire must be completed and signed by the **Primary Investigator (PI)**, supervisor, or other department representative with intimate knowledge of the Exchange Visitor's research.

In alignment with its mission of education and research, CUNY is very much engrained in the principles of openness in research. To that end, the University will neither enter into a contract nor accept a grant to carry out research if the grant or contract restricts the freedom of the University to publish results. The same applies to contracts or grants that limits the participation of researchers on the basis of citizenship. However, there are some exceptions that may trigger export control restrictions, as a result, each EV coming to our institution to conduct any kind of research must be evaluated.

A large part of the research performed at CUNY is exempt from export control laws and does not require a license. Nevertheless, it's important to review and evaluate all aspects involved in the research and determine if the project qualifies for an exemption. Such factors include but not limited to research that involves company proprietary information or restrictions on publishing the results of the research. To avoid any violations that could severely damage CUNY's research missions, the university in conjunction with the colleges must do diligence and determine whether an export or deemed export requires a license and obtain one where deemed necessary. The license must be obtained before the exchange visitor participates in the controlled research. Lack of compliance with federal government export control regulations subjects the individuals, the specific college and CUNY to penalties, which may include monetary and criminal punishment.

Information about Export Controls and the University's commitment to compliance can be found at:
<https://www.cuny.edu/research/research-compliance/export-control/>

J-1 VISA/EXPORT CONTROL QUESTIONNAIRE

The questionnaire must be completed and signed by the Supervisor/Principal Investigator or other appropriate college authority with direct oversight of the exchange visitor's work. This is required for Exchange Visitors in the Research Scholars, Short Term Scholars categories only.

SECTION I

Name of Exchange Visitor: _____
Title: _____
Countries of Citizenship (include dual citizenship): _____
Country of Birth: _____
Country of Residency: _____
Name and Title of Supervisor or PI: _____

1. Is the J-1 exchange visitor (EV) (i) classified as a J-1 Researcher Scholar or Short Term Scholar?
No Yes
2. Will the EV be working in the core sciences (medical and non-medical), e.g., biomedical sciences, computer sciences, space or space launch sciences, engineering (chemical, electrical, mechanical, semiconductor, nuclear), material sciences, atmospheric sciences/astronomy, geophysics, physics, chemistry, medicine, nanotechnology, marine science, artificial intelligence, robotics, etc. and including IT services in these departments/fields

Check One:

No, the EV's program will not involve, expose or potentially expose the applicant to any core scientific discipline, including but not limited to the ones listed above. If you check this box, then stop here and sign and date this form in Section VI.

Yes, the EV's program will involve, expose or potentially expose the beneficiary to a core scientific discipline (including but not limited to one or more of those listed above). If you check this box, then proceed to the next section below.

SECTION II

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| 1. Will the EV engage in research? (If "No," proceed to Section III) | YES | NO |
| 2. Is the research to be performed or funded, in whole or in part, by another university, nonacademic research institution, company, or the federal or state government? | YES | NO |

If YES, please provide:

- If the entity is located abroad, please identify name and location

- Will the EV be collaborating with an institution abroad as part of the research, in what capacity?

YES NO

If the answer is YES, then please provide us with a copy of any contract/award governing the research collaboration or funding.

If there a Project ID#, please provide it: _____

Project Title: _____

Name of the PI: _____

SECTION III

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| 3. Will the EV participate in sponsored research? | YES | NO |
| 4. Will the research results be taught, published or otherwise shared with the interested public? | YES | NO |
| 5. Are there any potential restrictions on the publication of the research results?
(If "Yes", please provide a copy of any agreement). | YES | NO |
| 6. Will the EV have access to confidential IP or other information owned by the institution or another party? | YES | NO |
| 7. Will the EV have access to IT networks and other systems? | YES | NO |
| 8. Does the EV have a non-compensated or other appointment at a prohibited/restricted entity | YES | NO |
| 9. Does the EV have a financial or other ownership interest in an entity which sponsors research at CUNY or the home institution? | YES | NO |
| 10. Will the EV have potential access to export-controlled technology? | YES | NO |
| 11. Is the EV a member of a foreign government, military, and/or intelligence agency? | YES | NO |
| 12. Will the EV participate in or is funded by foreign talent recruitment program? | YES | NO |
| 13. Will the EV have access to a lab where export, biosafety, and/or nuclear controls apply? | YES | NO |
| 14. Does the EV plan to publish work that is funded by an agency with rigorous co-authorship requirements such as National Institute of Health, which is under the Department of Health and Human Services? | YES | NO |
| 15. Has the EV made or will be making any financial or in-kind contributions to the CUNY. | YES | NO |

SECTION IV

16. Does the EV have citizenship from any of the following countries: China, Cuba, Iran, North Korea, Syria or Sudan? YES NO
17. Will the EV have access to any proprietary and/or confidential items or information derived from a third party (e.g. corporate sponsor) that cannot be shared? YES NO
18. If yes, has the item and/or information been identified as export controlled under EAR or ITAR regulations? YES NO
19. If yes, which of the above two entities identified the item as export controlled? _____

SECTION V

20. Will the EV have access to technical data or information that has been deemed or designated by the sponsor/third party as "export controlled" such as U.S. government sponsor/collaborator furnished technical data with dissemination controls or other restrictive markings, as well as ITAR-controlled software? YES NO
21. Will the EV have access to one or more equipment that are identified on ITAR's United States Munitions List (USML) such as laboratory instruments, equipment, materials, software, technology and technical data designed, developed, configure, adapted or modified for a defense or space application? YES NO
22. If YES, was the item:
- Procured from a third party?
 - Self-invented?
 - Received under a Material Transfer Agreement

Also, if yes, provide the type of the instrument(s) and include the following

- Name: _____
- Manufacturer: _____
- Model: _____
- University/college inventory number if applicable: _____
- Serial number if applicable: _____
- Copy of purchasing receipt or any document/paperwork if available.

23. Will the EV have access to advanced cryptographic technology including source code for cryptography and/or technical data to develop that source code? YES NO
24. Is traveling anticipated to be part of the EV's responsibilities where he/she will be taking any of the above-referenced items? YES NO
25. If yes,
- When will the travel take place (dates): _____
 - Where will the EV be travelling to (list all the places?)

Section VI

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| 26. Have you reviewed the link below to the U.S. Department of State’s (ITAR) United States Munitions List of “defense articles.”, that is any item (equipment, instruments, materials, software, and/or technical data) specifically designed, developed, or modified for military or space applications.
https://www.ecfr.gov/cgi-bin/text-idx?node=pt22.1.121 | YES | NO |
| 27. Will the EV be provided access to ITAR “defense articles” as stated in the e-CFR data base, which includes access to any visual or physical access to the item, regardless of whether such access is required for the program. | YES | NO |

SECTION VI (CERTIFICATION)

I recognize and understand that all the above information that I have provided certify that I am personally knowledgeable of the duties and other particulars of the J-1 Exchange Visitor listed above, and hereby affirm that the contents of the foregoing certification questionnaire are true to the best of my knowledge, information and belief.

I fully understand that failure to accurately complete this questionnaire or providing false information knowingly can result in U.S. Government export control violations for which civil and criminal penalties can be assessed against me individually if found to have caused or facilitated a violation for CUNY or the participating college.

Supervisor/PI (printed name)	Signature	Title	Date