



EXPORT CONTROL- H-1B DEEMED EXPORT CERTIFICATION REFERENCE GUIDE

Overview

The Department of Homeland Security's US Citizenship and Immigration Services (USCIS) now requires all employers to assess whether an export license must be obtained prior to hiring any H-1B employee, and to certify to those findings. The certification requirement is tied to US export control regulations that impose access, dissemination or participation restrictions on the transfer of items and information for reasons of national security, foreign policy, anti-terrorism or non-proliferation.

The H-1B visa is a non-immigrant visa in the United States which allows U.S. employers to temporarily employ foreign workers in specialty occupations. Stanford employs H-1B workers in the following categories:

- Regular Staff and Bargaining Unit Employees
- “All Other Employees” which include the following:
 - Academic Staff/Research
 - Tenure and Non-Tenure Line Faculty
 - Instructors/Lecturers/Librarians
 - Post-Doctoral Scholars

Regular Staff and Bargaining Unit Employees are generally in non-research related positions. Employees in each of the other listed categories (“All Other Employees”) are generally research-related and work under the supervision of a Principal Investigator.

Best Practices

- For H-1B or other Employment Visa documents, follow applicable Bechtel International Center visa/workflow processes- see <https://bechtel.stanford.edu/immigration/visa-types/h-1b-employee>
- Prior to hiring any H-1B employee, an assessment should be performed of whether an export license must be obtained, and to certify to those findings- see <http://doresearch.stanford.edu/research-scholarship/export-controls/h1-b-deemed-export-certification>
- Contact the University Export Control Officer [[Steve Eisner](#), (650) 724-7072] for assistance.
- Refer to the Stanford Export Controls [website](#).



Roles & Responsibilities

SoM Originators/Initiators for All H-1B Employees: Faculty and Staff (Person hiring H-1B employee)

- ✓ For H-1B visa documents, follow applicable Bechtel International Center visa/workflow processes- see <https://bechtel.stanford.edu/immigration/visa-types/h-1b-employee>
- ✓ Prior to hiring an H-1B employee, notify appropriate SoM Approvers/Reviewers (see below) to perform an export license assessment and to certify findings.

SoM Approvers/Reviewers:

- *For Regular Staff and Bargaining Unit Employees:* HR Managers at Level 3 or 4 (HRM3s or HRM4s), SoM Director of Finance and Administration (DFAs), or those who have been identified by DoResearch (DoR)/University Human Resources (UHR) as being the Senior Human Resource (HR)-associated administrator for their unit.
- *For All Other Employees:* Stanford Faculty (defined as University Tenure Line (UTL), Non-Tenure Line (NTL), and Medical Center Line (MCL) faculty, recalled Emeriti and those granted PI status by an approved waiver).
 - ✓ Enroll and complete the one time prerequisite training in the Stanford Training and Registration System- STARS Course ORA-1130 ("Export Controls: An Overview")- see <https://doresearch.stanford.edu/training/export-controls-research-administration/export-controls-overview>
 - ✓ After completing the STARS training (which activates the H-1B Export Control Questionnaire Respondent role in Authority Manager), fill out the H-1B Deemed Export Questionnaire to assess an H-1B beneficiary's export licensing requirements- see <https://bechtel.stanford.edu/departments/employment-visas/h-1b-petition-process/workflow-instructions>

Other Approvers/Reviewers: Bechtel International Center

- ✓ Complete processes for Stanford to the USCIS for the hiring of an H-1B employee as follows:
 - Route questions re: the H-1B Deemed Export Questionnaire to DoResearch - Export Controls
 - Issue employee identification (EMPLID)
 - Create and submit applicable immigration forms and petitions
 - Retain applicable information/approvals for H-1B employees

Penalties for non-compliance:

Potential financial/other penalties for non-compliance with regulations can be significant; for the University, a fine of up to the greater of \$1,000,000 or five times the value of the exports for each violation and for individuals, a fine of up to \$250,000 or imprisonment for up to twenty years, or both, for each violation.



Policies & Regulations

DoResearch:

DoResearch- H-1B Deemed Export Certification:

<http://doresearch.stanford.edu/research-scholarship/export-controls/h1-b-deemed-export-certification>

DoResearch- STARS Course ORA-1130 (“Export Controls: An Overview”):

<https://doresearch.stanford.edu/training/export-controls-research-administration/export-controls-overview>

Bechtel International Center:

Visa Workflow (H-1B Petition Process) at Stanford University:

<https://bechtel.stanford.edu/departments/employment-visas/h-1b-petition-process>

H-1B Visa Overview: <https://bechtel.stanford.edu/immigration/visa-types/h-1b-employee>

Responsibilities of Sponsoring Departments for H-1B Employees:

<https://bechtel.stanford.edu/departments/employment-visas/responsibilities-sponsoring-department-h-1b>

Filing Fees and Checks:

<https://bechtel.stanford.edu/departments/employment-visas/h-1b-petition-process/filing-fees-and-checks>

Checklist of Documentation to be submitted for H-1B:

<https://bechtel.stanford.edu/departments/employment-visas/h-1b-document-checklist>

Questions? Subject Matter Expert (SME) Contacts

DoResearch – Export Controls- <https://export.stanford.edu>

(For export control program or training content questions)

Director of Export Compliance and University Export Control Officer, Steve Eisner- steve.eisner@stanford.edu

University Human Resources- Talent Management & Workforce Strategy-

<http://stanfordcareers.stanford.edu/> (For training or supporting respondents for regular staff questions)

Programs Manager, Rosemary Bracy- rbracy@stanford.edu



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STARS- <https://hr.stanford.edu/hr-systems/support-groups/learning-solutions-group>

(For training status and authority manager questions)

Learning Solutions Group- learningsolutions@lists.stanford.edu

Bechtel International Center- <https://bechtel.stanford.edu/> (For general H-1B visa questions)

Director, Shalini Bhutani- sbhutani@stanford.edu

Document History

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<https://acrp.stanford.edu/audit/internal-audit-services>

Reviewed by: SME Contacts