Processing of Deemed Export License Application

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License Application Process

1. Submit Application
2. Initial Analysis
3. Conduct technical & policy review (EO DAYS 9)
4. Conduct Interagency Review (30 days)
5. Escalation Procedure (if necessary)
6. Final Decision
Sequence of Analysis

U.S. Citizens, Green Card Holders & Protected Immigrants

Published

Educational Information

Patents

Fundamental Research

EAR 99

License Exceptions

License
The Deemed Export License Application

- SNAP-R (Simplified Network Application Process Redesigned)
- BIS Form-748P
- Support Documentation
  - Letter of Explanation
  - Foreign National Resume
  - Technology Control Plan
  - Valid Work Visa
Letter of Explanation

- Identities of all parties to the transaction

- Exact project location (where the technology or software will be used)

- Type of technology and scope

- Availability abroad of comparable foreign technology or software

- Form in which the technology will be released and the uses for which the technology will be employed.

- Applicant’s internal technology control plan
Foreign National’s Resumé

- Include all educational institutions attended beyond high school, with street addresses and degrees and/or certificates received.

- All job positions held, with employers’ names and street addresses, and brief description of work done.

- All time from high school graduation should be accounted for and presented in month/year format, with no gaps greater than 30 consecutive days.

- Include brief abstracts of all scientific and technical papers published, and presentations at scientific and technical conferences.
Technology Control Plan (TCP)

- TCPs are a standard condition found in deemed export and technology exports licenses.
- A TCP should contain the following essential elements:
  - Corporate commitment to export compliance
  - Physical security plan
  - Information security plan
  - Personnel screening procedures
  - Training and awareness program
  - Self evaluation program
- TCPs are a good practice for all holders of export controlled technology.
Working Visas or Employment Authorization from DHS

- B-1, L-1, J, F-1, H-1B, O ETC.
- Employment authorization card
- F-1 student visa: I-20/CPT curricular practical training
- Issue the license to match the validity period of the visa
BIS - Application Review

• Verify classification of technology
• Review licensing requirements & license exceptions based on home country
• Assess appropriateness of job description, responsibility, title
• Assess appropriateness of education level and field to technology & end-use
• Determine reasons for control for correct interagency referrals
• Verify work visa status (Need only to see valid copy for verification)
Interagency Referrals & Intraoffice

Referrals

• Interagency referrals are made based on the commodity reason of control – 30 days review
• DOD referral is always required.

• NP control reason - DOE, State/ISN/NESS Nuclear Energy Safety & Security
• NS control reason - State/ISN/CATR Conventional Arms Threat Reduction
• MT control reason - DOE, State/ISN/MTR Missile Threat Reduction
• CB control reason - DOE, State/ISN/CB Chemical & Biological
• State/EB/TFS (Terrorism & Financial Sanctions) For Foreign Nationals from embargoed countries – North Korea, Iran, Syria, Cuba, Sudan !!!
Deemed export licenses receive a thorough and security intensive review.

Security Review:

- State Department
- Export Enforcement
- Federal Bureau of Investigation
- WINPAC

- Consular Affairs
  - Embargo Countries
- Pre-license Checks (if required)
- Law enforcement
- Intelligence check
Scope and Conditions

- You can only do what you said you were going to do.
- Specific technology requested is granted.
- The scope is further restricted by standard conditions for foreign nationals.
- Continuation of valid visa, compliance of license conditions & effective TCP.
- Two year license validity period.
Additional Deemed Export Resources

• Visit the BIS website [www.bis.doc.gov](http://www.bis.doc.gov)
• **Licensing**
  - Deemed Exports
  - Deemed Exports FAQ
  - Deemed Export Process Improvements and Guidance on Renewals and Upgrades
  - Guidelines for Preparing Export License Applications Involving Foreign Nationals
  - Certification Pertaining to the release of Controlled Technology of Technical Data to Foreign Persons in the US. See Revised Form I-129
• **Advisory opinions**
Electronics and Materials Division
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