



Research Security and Compliance

University of Missouri-Columbia

Standard Operating Procedure

Visa Reviews

Visa Reviews

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1.0 Purpose

To document the processes by which Research Security and Compliance (RSC) will review certain visa applications, assist with making certifications regarding deemed export licenses for certain categories of visa applications, and engage in a broader export controls and sanctions compliance and general research security review of certain visa applications.

2.0 Scope

The SOP applies to all H-1B¹ visa applications processed on behalf of MU by International Student and Scholar Services (ISSS). U.S. Citizenship and Immigration Services (USCIS), which is a component of the Department of Homeland Security, requires that MU, as the sponsoring institution, provide an attestation (I-129) as to whether a deemed export license will be required for the beneficiary to perform the job duties as described in the application. That attestation also affirms that deemed export rules will not be violated prior to getting a license if one is needed. MU does not need to obtain an export license prior to filing the visa application.

The SOP also includes J-1² visa applicants on whose behalf a DS-2019 is issued by MU's International Student and Scholar Services (ISSS). MU's Exchange Visitor (EV) Program is authorized by the Department of State to issue DS-2019s, also known as a Certificate of Eligibility for Exchange Visitor Status, which is used by foreign nationals to apply for a J-1 visa at a U.S. embassy.

¹ Scholars with H-1B status are foreign national workers who perform services in specialty occupations requiring a specialized body of knowledge. At MU, H-1B status is used for tenure-track faculty, academic researchers and professional staff. This SOP also applies to H-1B1 Chile/Singapore, L-1, and O-1A petitions.

² Scholars with J-1 status are foreign national exchange visitors (EV) who visit the United States temporarily to teach, lecture, study, observe, conduct research, consult, train, or demonstrate special skills. At MU, J-1 status is used for full-time postdoctoral fellows, visiting researchers and professors, and non-degree seeking students.

In addition to a deemed export review, RSC engages in a broader export controls and sanctions compliance and general research security review of H-1B and J-1 visa applicants.

3.0 Responsibilities

I-129 Deemed Export Attestation

Sponsoring Department Responsibilities

- a. The sponsoring department is responsible for providing ISSS and/or RSC with the necessary information to submit the visa application and to evaluate and determine whether a deemed export license is required. That information includes the beneficiary's full name, country of citizenship, current address, CV, offer letter, and H-1B petition letter of support.
- b. Through [eCompliance](#), the sponsoring department completes the Export Controls module which includes the following questions:
 - i. Will the beneficiary be provided access to any information, software, equipment or technical data that is considered confidential, proprietary or controlled by the University or any third-party?
 - a. If Yes: Please briefly describe the information, software, equipment, and/or data and how it is managed, used and controlled.
 - ii. Will the beneficiary be provided access to equipment specifically designed or developed for military or space applications?
 - a. If Yes: Please briefly describe the equipment involved and provide the location of the equipment.
 - iii. Is research part of the beneficiary's job description?
 - a. If Yes: Please briefly describe the specific area(s) of inquiry that the beneficiary is expected to pursue. Also, if available, please provide the proposal and/or award numbers and sponsor name.
 - iv. Is the beneficiary's research or other scholarly activity anticipated to be taught, published or otherwise shared with the interested public?
 - a. If No: Because you have stated that the beneficiary's work is not expected to be shared publicly, please provide reasoning why a restriction on public dissemination of the work is being imposed.

ISSS Responsibilities

- a. ISSS is responsible for receiving all pertinent information and related documentation required for the visa application from the sponsoring department and for notifying RSC when the beneficiary is ready to be reviewed.
- b. ISSS does not submit an I-129 petition until RSC has notified ISSS that either no export license is required or that an export license is required.

RSC Responsibilities

- a. Upon receipt of the automated email via eCompliance of the export control questionnaire and any notification from ISSS via email to exportcontrols@missouri.edu, RSC will conduct a restricted party screening of the beneficiary against US and international lists of persons and/or entities with whom MU may be prohibited by law from entering into a transaction, for whom a license or other government approval is required, or otherwise have an elevated export control, sanctions, or general research security risk.
- b. RSC will evaluate the work to be performed by the beneficiary for possible intersection with applicable export control regulations and determine whether a deemed export license will be required for the beneficiary to perform the duties listed in the H-1B petition.

- c. RSC will undertake a general research security review of the H-1B beneficiary. This review will include an assessment of risks posed by the current and former institutions and entities that the H-1B beneficiary is or was affiliated with and an assessment of any indicators of current or past participation in a Malign Foreign Talent Recruitment Program as defined in the CHIPS and Science Act of 2022. RSC will communicate any identified research security risks to both the sponsoring department and ISSS and provide compliance guidance and/or develop a mitigation plan, if required.
- d. RSC will advise ISSS of the appropriate response to the visa application section that requires a “Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States.” Should a license be required, RSC will collaborate with the sponsoring department and submit a license request to the appropriate federal agency that regulates the technology or technical data to be exported, prior to the release of any controlled technology or technical data to the visa beneficiary.

J-1 Visa Reviews

Sponsoring Department Responsibilities

- a. The sponsoring department is responsible for providing ISSS and/or RSC with the necessary information to create the DS-2019 and to evaluate and determine export controls, sanctions, and general research security risks. That information includes the beneficiaries passport bio page, CV, offer or invitation letter, and proof of funding.
- b. The sponsoring department is responsible for working with RSC to provide any additional information requested by RSC and to develop and implement plans to mitigate export control or research security risks as necessary, including any deemed export licensing requirement.

ISSS Responsibilities

- a. ISSS is responsible for receiving all pertinent information and related documentation required for the visa application from the sponsoring department and for notifying RSC when the J-1 scholar is ready to be reviewed.
- b. ISSS does not create the DS-2019 until RSC has notified ISSS that there are no export control or research security concerns or that those concerns have been mitigated.

RSC Responsibilities

- a. Upon receipt of the notification of a J-1 visa application from ISSS, RSC will conduct a restricted party screening of the beneficiary, their current institution, and former institutions and entities that the J-1 was affiliated with against US and international lists of persons and/or entities with whom MU may be prohibited by law from entering into a transaction with, for whom a license or other government approval is required, or otherwise have an elevated export control, sanctions, or general research security risk.
- b. RSC will evaluate the work to be performed by the EV for possible intersection with applicable export control regulations and determine whether a deemed export license will be required for the EV to perform their proposed duties.
- c. RSC will undertake a general research security review of the J-1 EV. This review will include an assessment of risks posed by the current and former institutions and entities that the J-1 EV is or was affiliated with and an assessment of any indicators of current or past participation in a Malign Foreign Talent Recruitment Program as defined in the CHIPS and Science Act of 2022 and any continued support provided by an external party and/or any continued affiliation with an external party.
- d. RSC will communicate any identified research security risks to both the sponsoring department and ISSS and provide compliance guidance, submit a deemed export license, and/or develop a mitigation plan, if required.

4.0 Procedure

I-129 Deemed Export Attestation

- S1. The Sponsoring Department submits the Export Control questionnaire in eCompliance
- a. eCompliance generates an automated email to exportcontrols@missouri.edu indicating a questionnaire has been submitted.
- S2. The Sponsoring Department provides a copy of the Export Control module submission to ISSS.
- S3. If ISSS is ready to submit the H-1B application and RSC has not yet completed the review, ISSS contacts RSC via email at exportcontrols@missouri.edu.
- S4. RSC completes its review of the H-1B application and indicates to ISSS if an export license is required or if no export license is required via a checkbox in myStatus and a follow up email to ISSS staff.
- S5. If RSC identifies other export controls sanctions or other research security concerns, RSC will communicate those concerns to ISSS and the Sponsoring Department and work to mitigate the associated risks.

J-1 Visa Reviews

- S1. The Sponsoring Department submits the required information for the J-1 visa application to ISSS.
- S2. ISSS notifies RSC via an email to exportcontrols@missouri.edu of J-1 requests for nationals of comprehensively sanctioned countries or foreign countries of concern according to the CHIPS and Science Act (see Appendix A).
- S3. RSC reviews the J-1 visa application materials to assess for export controls, sanctions, or other research security risks. If no concerns are identified, RSC will inform ISSS staff via email of that determination and indicate to ISSS staff that the visa application can proceed in addition to completing a checkbox in myStatus.
- S4. If RSC identifies export controls, sanctions or other research security risks, RSC will communicate those concerns to ISSS and the Sponsoring Department and work to mitigate the associated risks.

Appendix A

Comprehensively Sanctioned Countries

- a. Cuba
- b. Iran
- c. North Korea
- d. Syria
- e. Ukraine (Crimea, Donetsk, and Luhansk regions)

Foreign Countries of Concern

- a. China
- b. Iran
- c. North Korea
- d. Russia