



MEMORANDUM

To: Faculty and Staff
From: Karen Royal, Director of Compliance
Date: August 11, 2017
Subject: Export Controls Compliance Program—Phase Implementation
Phase 6 – Employment

Summary: It is imperative for Texas A&M University—Kingsville (TAMUK) hiring departments/colleges to be aware that the ability to hire nonimmigrant Foreign Nationals for certain positions may be restricted or prohibited by export control laws. To mitigate export control violation risks associated with employment of Foreign Nationals, Restricted Party Screenings (RPS) will be performed by Export Control Delegates.

Detail: As previously indicated, implementation of the TAMUK Export Controls Compliance Program will be completed in phases. Phase 6 is outlined in Section 5.0, Employment of Nonimmigrant Foreign Nationals, of the TAMUK Export Controls Compliance Program Manual.

Supervisors proposing to hire nonimmigrant Foreign Nationals should carefully consider whether or not the proposed employment will involve access to Controlled Information or Items before extending offers of employment. For example, nonimmigrant Foreign Nationals may be restricted or prohibited from performing employment responsibilities related to certain information technology systems positions, to the extent the work will involve access to Controlled Information or Items. If nonimmigrant Foreign Nationals are prohibited by export control laws from performing the employment responsibilities associated with a position, the Notice of Vacancy (NOV) may be posted in such a way that those individuals are notified ahead of time that they cannot be considered. The following statement may be added to the “Comments to Applicant” section of the NOV: nonimmigrant Foreign Nationals are prohibited by export control laws from performing the employment responsibilities associated with this position; sponsorship is not available.

Before extending an interview for employment, departments/colleges are required to conduct RPS for each finalist. The hiring department/college must submit the Restricted Party Screening Request Form (TAMUK-104) to their assigned delegate for screening. Screening results must be submitted to the Human Resources department.

When hiring individuals under certain visa statuses (H-1B, O-1A or H-1B1), supervisors are required to complete a Deemed Export Control Attestation. The Deemed Export Control Attestation certifies that technology or technical data to be released or accessed by the nonimmigrant Foreign National, as a result of the offered employment, may or may not require a license.

Any export control issues related to the hiring of nonimmigrant Foreign Nationals should be referred to the Compliance Office or Human Resources for resolution as appropriate.

References:

- *Export Controls Compliance Program Manual*
http://www.tamuk.edu/compliance/TAMUK-Export_Controls_Manual.pdf
- *List of Export Control Delegates*
http://www.tamuk.edu/compliance/Visual_Compliance_Delegate_List.pdf
- *Forms and Resources*
<http://www.tamuk.edu/compliance/export-controls.html#formsandresources>

For further Export Controls assistance, please direct questions to the Office of Compliance at ExportControls@tamuk.edu.

Thank you,

Karen B. Royal, J.D., CCEP
Director of Compliance
Texas A&M University-Kingsville