Introduction
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The “Petition for a Nonimmigrant Worker” (Form I-129), from the U.S. Citizenship and Immigration Services (USCIS), contains a section entitled Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Nationals in the United States. According to this section, U.S. employers must conduct a deemed export review on new foreign national employees who are on H-1B, H-1B1, O-1, and L-1 visas.

The employer must state whether the nonimmigrant employer will require an export license to conduct the proposed work duties. The potential export is considered a “deemed export,” which is the release of controlled information or technology to a foreign person in the U.S.. For export control purposes, the controlled information or technology is “deemed” to have been released to the prospective foreign national employee’s home country.
Introduction

This process is initiated at the University of Pittsburgh when a University administrator creates a Visa (I-129 Part 6) MyEC record by entering information related to the new employee and the employee’s position into the MyEC system. Once all information is entered, the record is submitted to the Office of Trade Compliance for an evaluation.

The system provides an automatic restricted party screening function and an embargoed country evaluation, as well as an export controls review. The Office of Trade Compliance may contact the responsible administrator to discuss additional requirements if there is a confirmed restricted party screening match, an export control red flag, or other potential security risks.

The University administrator is notified electronically when the MyEC record is approved.
Accessing the MyEC System
Accessing the MyEC System

The MyEC System is accessed at https://myec.pitt.edu/MyEC/

Welcome to the University of Pittsburgh Office of Trade Compliance online application for the web-based development, routing, and submission of Export Control Requests for Trade Compliance review.

For general information about the University of Pittsburgh Office of Trade Compliance or for guidance on how to submit an Export Control Request, please go to: http://www.export.pitt.edu/.

To log in to the application, users must have an official University of Pittsburgh username and password. The login link is available at the top right of this page.

If you need more information about obtaining your username and/or password or other application related questions please contact us at EChelp@pitt.edu.

To create a new Export Control Request, please click on "Create Export Control" button to the left, under "My Current Actions."
Accessing the MyEC System

You will need a University of Pittsburgh username and password to access the MyEC system. You will be prompted to enter these credentials after you click on the “Login” button. You then will move through the University of Pittsburgh’s single-sign-on process, and upon completion, your MyEC system home page will appear.
Accessing the MyEC System

Click on “Home” on the top banner after you reach your MyEC system home page.

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To create a new Export Control Request, please click on "Create Export Control" button to the left, under "My Current Actions."
Accessing the MyEC System

Click on “Create Export Control” on the left-hand side of the Home page in order to create a new MyEC record.

You then will be taken to a blank MyEC system record, which can be used to enter the information for the Visa (I-129 Part 6) submission.
Entering Information for the Visa (I-129 Part 6) Submission
Entering Information into the MyEC System

The MyEC system record for a Visa (I-129 Part 6) submission contains four data-entry pages:

- The Basic Information page, which requests information on the responsible administrator, type of request, record title, and potential guest editors.
- The Foreign Hire Information page, which requests information on the new employee’s name, country of citizenship, and reason for the application.
- The Position Information page, which requests information on the new employee’s job title, visa start and end dates, job description, research performed, and any potential export-control-review concerns.
- The Additional Information page, which can include a CV, a copy of the new employee’s passport, the job application posting, or any other information deemed necessary for a review.
Entering Information for the Visa (I-129 Part 6) Submission

Basic Information
Entering Information into the MyEC System

Basic Information

You will be taken to the Basic Information page after clicking “Create Export Control.”

[Image of the Basic Information page from the MyEC system]
Entering Information into the MyEC System

Basic Information

1. * Select the PITT Employee responsible for this request: Charles Lyon
2. The email address for the responsible PITT employee: lyoncw@pitt.edu

Responses to questions 1 and 2 should automatically populate based upon your University of Pittsburgh log-in credentials.

Click on the three buttons below if the response to question 1 does not automatically populate.
A new window will appear if you click on the three buttons under question 1. You then can select the appropriate responsible administrator via the searchable interface.
Entering Information into the MyEC System

Basic Information

The “Type of Request” should default to “Visa (I-129 Part 6).” Select “Visa (I-129 Part 6)” if it does not.

Provide a record title that begins with the new employee’s last name, followed by the five-digit home department code, and then the date of the record submission.
Entering Information into the MyEC System

Basic Information

In some cases, you will not possess all the information required to complete the record. The “Guest Editor” function allows you to select an individual to assist with data entry. You do not need to complete this section if you will not need a Guest Editor. See Appendix A: Selecting and Notifying a Guest Editor for more information on this process.

Click on “Continue” in the lower right-hand corner in order to continue to the next page of data entry.
Entering Information for the Visa (I-129 Part 6) Submission
Foreign Hire Information
Entering Information into the MyEC System

Foreign Hire Information

You will be taken to the Foreign Hire Information page after clicking “Continue.”
Entering Information into the MyEC System

Foreign Hire Information

Enter the new employee’s name as it appears on his or her passport. The first and last name are required. The middle name is optional but should be provided if it is available.

1. * First Name (as it appears on passport): 
   
2. Middle initial/name (as it appears on passport): 
   
3. * Last name (as it appears on passport): 
   
(Pitt University logo)
Entering Information into the MyEC System

Foreign Hire Information

Select the new employee’s current country of citizenship from the drop-down menu.

The “Reason for Application” will be either “Initial Request” or “Visa Extension/Amendment.” Select the appropriate category. A new MyEC Visa (I-129 Part 6) submission is required for a non-U.S.-national Pitt employee when his or her visa is renewed - even if he or she remains in the same position.

4. * Country of Citizenship:

5. * Reason for application:

6. If the individual is already a Pitt employee, please provide his/her email address:

Click on “Continue” in the lower right-hand corner in order to continue to the next page of data entry.
Entering Information for the Visa (I-129 Part 6) Submission Position Information
Entering Information into the MyEC System

Position Information (part 1)

You will be taken to the Position Information page after clicking “Continue.”
Entering Information into the MyEC System
Position Information (part 1)

1. *Job title:
   Enter the new employee’s job title.

2. *Department/School:
   Enter the new employee’s home department, school, or unit, whichever is most appropriate. You can enter text into the textbox, and you will be provided with autocomplete options. Or, you can click on the three buttons at the end of the textbox and search according to a number of basic and advanced options.

3. *Supervisor name:
   Enter the name of the new employee’s supervisor. You can enter text into the textbox (preferably the last name), and you will be provided with autocomplete options. Or, you can click on the three buttons at the end of the textbox and search according to a number of basic and advanced options.

4. *Supervisor email address:
   Enter the email address of the new employee’s supervisor.
Entering Information into the MyEC System
Position Information (part 1)

Enter the start date of the new employee’s visa, not the date that he or she began in the position. For example, if the employee is continuing in his or her position, then enter the start date for the renewed visa, not the date that he or she originally was hired by the University of Pittsburgh. Exceptions can occur, so please contact the Office of Trade Compliance under those circumstances.

5. * Start Date:
6. * End Date:

Enter the end date of the new employee’s visa using the same procedures as above.
You will need to enter additional data to complete the Position Information page.
In most cases, the job description should not duplicate the job advertisement, since the advertisement often includes information that is not relevant to the employee’s duties (e.g., previous experience requirements).

The brief job description also should not be so general that one cannot identify the duties that an employee will perform (e.g., describing the general expectations of all assistant professors University-wide when hiring an assistant professor in a particular department).

The job description should include a brief and specific description of a new employee’s administrative, research, teaching, and clinical duties – weighted according to the time that the employee will devote to these activities as well as their importance in the employee’s position. In cases of new faculty hires, the research description can be briefer if the research will be covered in later responses in this form (see slides below).
The “Staff” and “Faculty” classifications are relatively self evident. The third classification, “Other Academic Appointment,” should be used for postdoctoral scholars and other employees who hold academic-type appointments but whose Pitt job classification is not “Faculty.”

Please note that Visa (I-129 Part 6) reviews are not conducted on School of Medicine paid Visiting Scholars and Health Sciences Research Fellows, so these individuals should not be entered into the MyEC system.

8. * Status:
   - Staff
   - Faculty
   - Other Academic Appointment

9. * Will the Foreign Hire work/participate/collaborate in Research?
   - Yes
   - No

If the response to this question is “No,” then you will have provided all required Position Information data and can click “Continue” in the lower left-hand corner.

If the response to this question is “Yes,” then additional branching questions will appear that you will be required to answer.
A set of research-related and export-control-review questions will require responses if the employee will participate or collaborate in research.

9. Will the Foreign Hire work/participate/collaborate in Research?
   - Yes
   - No

   a. Will any of the research be sponsored, in whole or in part, by either the University or an external sponsor, including the federal government?
      - Yes
      - No
      - Clear
   
   b. Are all projects the Foreign Hire will participate/collaborate on, considered "Fundamental Research"?
      - Yes
      - No
      - Clear
   
   c. Will the results of the research be taught, published, or shared with the interested public?
      - Yes
      - No
      - Clear
   
   d. Are there any restrictions on the research projects the Foreign Hire will participate/collaborate on?
      - Yes
      - No
      - Clear
   
   e. Will any technology or technical data that will be released to the Foreign Hire be unpublished, subject to publication/dissemination restrictions, or subject to other access restrictions (such as off-limits to foreign nationals) at the time of its release?
      - Yes
      - No
      - Clear
   
   f. Will any software source code be released to the Foreign Hire?
      - Yes
      - No
      - Clear
   
   g. Will the Foreign Hire be provided access to any third party-owned technical data or technology that is considered proprietary or confidential to the third party owner? This includes US Government furnished technical data with dissemination controls or other restrictive markings.
      - Yes
      - No
      - Clear
   
   h. Will the Foreign Hire be provided access to equipment designed or developed for military, space, or nuclear applications?
      - Yes
      - No
      - Clear
Question 9.a. asks whether any of the new employee’s research will “be sponsored, in whole or in part, by either the University or an external sponsor, including the federal government.”

In this case, a University of Pittsburgh sponsor can include any Pitt department, school, or unit that is providing funding specifically targeted to support the employee’s research. The relevant information should be provided to questions 9.a.1. through 9.a.3.

An external sponsor can include any federal government agency (e.g., NIH, NSF, Department of Education, etc.) as well as companies, foundations, international organizations, etc. The relevant information should be provided to questions 9.a.1. through 9.a.3 here as well.
Entering Information into the MyEC System Position Information (part 3)

If an employee’s research is funded, an appropriate response to question 9.a.1 will include the University of Pittsburgh funding unit or the external sponsor’s organization name and the title of the research project (for each project).

An appropriate response to question 9.a.3. will include a brief description of the research project and its overall goal as well as the techniques and technologies involved in the project. In many cases, reprinting a proposal abstract does not provide the required information.

In some cases, a new employee may be involved in multiple research projects, none of which he or she leads. In this case, you can provide a statement to that effect and summarize the employee’s involvement across all projects.
Entering Information into the MyEC System
Position Information (part 3)

Questions 9.b. through 9.h. include the Visa (I-129 Part 6) submission’s deemed export review questions.

b. Are all projects the Foreign Hire will participate/collaborate on, considered "Fundamental Research"?
   - Yes  - No  - Clear

c. Will the results of the research be taught, published, or shared with the interested public?
   - Yes  - No  - Clear

d. Are there any restrictions on the research projects the Foreign Hire will participate/collaborate on?
   - Yes  - No  - Clear

e. Will any technology or technical data that will be released to the Foreign Hire be unpublished, subject to publication/dissemination restrictions, or subject to other access restrictions (such as off-limits to foreign nationals) at the time of its release?
   - Yes  - No  - Clear

f. Will any software source code be released to the Foreign Hire?
   - Yes  - No  - Clear

g. Will the Foreign Hire be provided access to any third party-owned technical data or technology that is considered proprietary or confidential to the third party owner? This includes US Government furnished technical data with dissemination controls or other restrictive markings.
   - Yes  - No  - Clear

h. Will the Foreign Hire be provided access to equipment designed or developed for military, space, or nuclear applications?
   - Yes  - No  - Clear
The U.S. Export Administration Regulations (EAR) define a deemed export as the release of technology or source code subject to the EAR to a foreign national in the United States. Any such release is "deemed" to be an export to the home country of the foreign national.

The issue of deemed exports is relevant to university research because of the activities that normally take place at a university. Whenever teaching or research is related to controlled equipment or technology, a foreign national’s involvement may trigger export control compliance issues.
Certain responses to questions 9.b. through 9.h. may require additional explanation. If so, then a branching question provides a textbox for a response. This response may result in a request for additional information from the Office of Trade Compliance.

Additional issues sometimes arise when completing the aforementioned questions...

The most important relates to the definition of “Fundamental Research” as it is used in question 9.b. Fundamental research often is defined in academia as “basic” research, as opposed to “applied” or “clinical” research.
The definition used for question 9.b. is provided by the U.S. government:

“Fundamental research means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from Industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reason.”

Contact the Office of Trade Compliance if you have any additional concerns about responses to questions 9.b. through 9.h.

After completing questions 9.b. through 9.h., click on “Continue” in the lower right-hand corner in order to continue to the next page of data entry.
Entering Information for the Visa (I-129 Part 6) Submission Additional Information
Entering Information into the MyEC System

Additional Information

You will be taken to the Additional Information page after clicking “Continue.”
Entering Information into the MyEC System
Additional Information

You can provide any attachments or text-based data that should be included with the MyEC record or can assist with evaluation of the MyEC submission on the Additional Information page.

Information and data can include the new employee’s CV, a copy of the new employee’s passport, the job application posting, or any other pertinent information.
Entering Information into the MyEC System

Additional Information

Click on “Save a Draft” if you have assigned a Guest Editor.

Click on “Submit” if you have not assigned a Guest Editor. The MyEC record then will be submitted for Office of Trade Compliance review.
Entering Information for the Visa (I-129 Part 6) Submission
Appendix A: Selecting and Notifying a Guest Editor
End