



Alien of Extraordinary Ability O-1 Request Form

International Student and Scholar Services

Last Updated
6/24/2020

TO BE COMPLETED BY THE FOREIGN NATIONAL'S HIRING DEPARTMENT.

Name of Foreign National: _____ Penn ID: _____

Hiring Department: _____

Position title being offered to the foreign national: _____

(For UPHS entities only) Employer Identification Number (EIN) of payroll on which this employee will be placed:

_____ and official name of the entity:

We are requesting service from *(in alphabetical order)*:

- Goldblum & Pollins (<http://www.goldblumfirm.com/>)
- Klasko Immigration Law Partners (<http://www.klaskolaw.com/>)

For the Summary of Fees, please click [here](#).

By signing this form, we attest that we have read and understood the O-1 related information on the ISSS website.

Position reports to:

Name: _____ Title: _____

Signature: _____ Date: _____

Department Chair:

Name: _____

Signature: _____ Date: _____

Administrative Contact *(this person will be the main contact for the PR process):*

Name: _____ Title: _____

Phone: _____ Email: _____

For internal processing fees, please complete the following:

- \$120(\$115 if received by June 30, 2020.) External Counsel Facilitation Fee (law firm fees will still apply)

Departmental Budget Code: _____

Authorized Business Administrator: _____

Signature: _____ Date: _____

E-mail Address: _____

Employer Liability for Return Airfare under the O-1 Category

Per 8 C.F.R. § 214.2 (o)(16), if the employer terminates the O-1 employment early for any reason, the employer will be responsible for reasonable costs of returning the foreign national to his or her last place of residence prior to entry to the United States. No such responsibility is in place if the O-1 employee voluntarily leaves the employment.

Legal and Filing Fees

In the absence of federal regulations requiring the employer to pay for the legal and filing fees, the fees may be passed onto the foreign national employee if there is mutual agreement prior to commencing the O-1 employment.

Please submit this form along with the attached export control attestation form to ISSS. Within 10 business days of the date the form is received, ISSS will contact you with further guidance. Thank you.

Attestation Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the US

NOTE: Please **complete this attestation form only if** the foreign national will be working in the **School of Medicine, School of Engineering and Applied Sciences, Nursing, Dental Medicine, Veterinary Medicine**, and the following departments within **SAS: Biology, Chemistry, Earth and Environmental Science, Physics and Astronomy**.

US Citizenship and Immigration Services requires Penn to certify whether Penn needs to apply to the US government for a “deemed export” license (or permission) before allowing the prospective H-1B or O-1 employee to access certain controlled technology or technical data.

The licensing requirement will affect only a small percentage of Penn’s international employees because most types of technology and technical data do not require a “deemed export” license, or because one or more exemptions will apply. If necessary, the Office of Research Services may contact you for further information.

Please complete all of the following questions.

(Name of O-1 employee) _____

If you want more general information about deemed exports to assist you in completing these questions, you may find helpful information here:

- <http://www.bis.doc.gov/deemedexports/deemedexportsfags.html> (FAQs 1, 2, 3, 14, 16 and 17) - US Department of Commerce, Bureau of Industry and Security, Deemed Export Questions and Answers
- http://www.cogr.edu/Pubs_ExportControls.cfm Council on Government Relations (COGR) Brochure, “Export Controls and Universities— Information and Case Studies”
- <http://www.upenn.edu/researchservices/exportcontrols.html> Penn Office of Research Services Export Control Laws educational materials
- You may also call the Director of Export Compliance at 215-746-0234 if you have specific questions or need assistance in making the determination

PART 1 *****

Yes No Based on your current expectation of his/her work responsibilities, will the employee have access to confidential, not-publicly available information or data or software that is necessary to use equipment which is listed as “dual use equipment” on the US Department of Commerce’s Commerce Control List (“CCL”)?

The CCL is here: http://www.access.gpo.gov/bis/ear/ear_data.html#ccl (Look in Categories 0 through 9, organized in broad categories of goods and equipment), or for an alphabetical listing, look here: <http://www.access.gpo.gov/bis/ear/pdf/indexccl.pdf>.

NOTE: Examples of confidential, not-publicly available information or data or software that sometimes come up at Penn include non-public information in an operations or user’s manual for a piece of “dual use equipment” that is not commercially available, like an experimental lab instrument or radiology machine; or proprietary source code that is readily accessible within an item of “dual use equipment”.

If YES, identify the item/equipment/technical data and elaborate briefly:

If YES, do you anticipate that s/he will have access to the confidential, not-publicly available information or data or software as part of “**fundamental research***” that will occur on Penn’s campus (or another university in the US)?

Yes No

PART 2 *****

Yes No Based on your current expectation of his/her work responsibilities, will the employee have access to any “defense articles” that are currently listed on the US Department of State’s (ITAR) Munitions List? The Munitions List is here: http://www.pmdtc.state.gov/regulations_laws/documents/consolidated_itar/Part_121.pdf

NOTE: “Defense article” includes an item that is built, compiled, designed, or modified to military specifications, even if it is not specifically listed on the ITAR Munitions List, and even if the item is commercially available, or is built or compiled from a group of commercially available items as well as technical data (including user manuals) associated with that item. Generally ITAR controlled items will include a notice of a requirement to not export on the invoice or in the documentation of the equipment.

If YES, identify the item/equipment/technical data and elaborate briefly:

If YES, do you anticipate that s/he will have access to the “defense article” as part of “**fundamental research***” that will occur on Penn’s campus (or another university in the US)?

Yes No

PART 3 *****

Yes No Based on your current expectation of his/her work responsibilities, will the employee have access to confidential, not-publicly available information or data or software that is controlled “technical data” related to an item on the (ITAR) Munitions List?

If YES, identify the item/equipment/technical data and elaborate briefly:

If YES, do you anticipate that s/he will have access to the confidential, not-publicly available information or data or software related to a “defense article” as part of “**fundamental research***” that will occur on Penn’s campus (or another university in the US)?

Yes No

PART 4 *****

Yes No Do you currently expect the employee to have access to strong encryption object code and source code (whether publicly available or not), in an electronic form or media while working at Penn, or access to cryptography technology?

If YES, identify the item/equipment/technical data and elaborate briefly:

Chair/Director/Supervisor

Title

Department

Signature: _____ Date: _____

“Fundamental research” is defined as basic or applied research in science or engineering fields, occurring on a university campus in the U.S., in which the ***results ordinarily are intended for publication.***

****** Send the signed attestation form to OIP-SSS as part of the O-1 request packet. ******