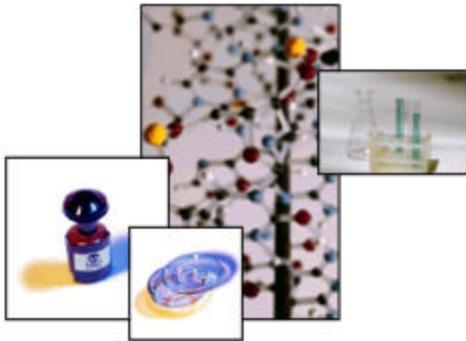




IMMIGRATION ALERT!



U.S. DEPARTMENT OF STATE'S **TECHNOLOGY ALERT LIST**

Due to recent policy developments within the U.S. Department of State (DOS), foreign employees may encounter significant delays in obtaining a new visa from a U.S. embassy or consulate abroad. Such will be the case if the presiding consular officer concludes that the employee's proposed activities fall within one or more occupational categories listed on the DOS's *Technology Alert List*, a list identifying activities that may be considered detrimental to U.S. security. The *Technology Alert List* focuses on the fields of science and technology and includes activities undertaken in the context of graduate-level studies, teaching, research, exchange programs, employment and training, and commercial transactions.

The DOS has issued this list in response to concerns over the illegal transfer of controlled technology. The DOS's objectives are to stem the proliferation of weapons of mass destruction and to prevent the transfer of arms and sensitive dual-use items to terrorist states.

Foreign national employees whose proposed U.S. activities appear on this list may be subjected to an additional security clearance in connection with the visa stamp application. In a worst case scenario, the employee could be denied a visa altogether if the consular officer feels that the proposed activities may be detrimental to U.S. security. Security clearances are now taking 2 to 3 months and longer to issue, and during this time the employee must remain outside the United States.

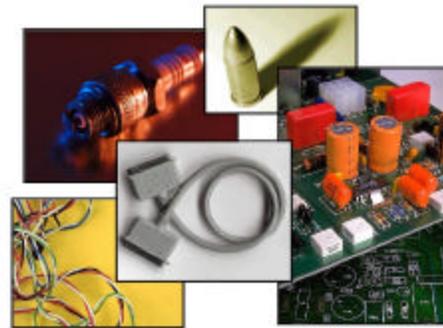
It is the proposed U.S. activity that governs whether the employee might be subject to this additional security clearance—not the country of citizenship or nationality. Thus, security clearances could be required of (and delays experienced by) citizens and nationals of any country, including those nations which enjoy friendly relations with the U.S. Further, consular officers at U.S. embassies and consulates around the world are free to interpret this program according to their discretion. As a result, an individual who has no direct relationship with these activities could, by virtue

of a job description or a company affiliation, be subjected to a clearance if the consular officer deems it appropriate. There is no right of appeal from a consular officer's decision.

Thus, if your foreign employee works in a field described below or is engaged in an educational or research program involving such a field, he or she may encounter significant delays in connection with the application for a visa stamp.

In order to minimize the risk of delay and the attendant disruption to the personal and work life of the employee, the employee may wish to consider limiting any international travel if he or she requires a new visa stamp in order to return to the U.S. Alternatively, the employee may wish to take advantage of the DOS's Visa Reissuance Program in order to obtain a new visa stamp without leaving the U.S. (although this program does involve a 10-week processing period during which the employee would be without a passport). A memorandum describing the Visa Reissuance Program and eligibility for participation may be found under the Immigration News section of www.immstar.com or directly at www.immstar.com/NEWS/UPLOADS/InstructionsforObtainingVisaReissuance.pdf.

The DOS's ***Technology Alert List*** contains fifteen (15) categories associated with the following list. Please note that this list is not exhaustive. Should you believe the skills held by a foreign national employee at your company are related to these categories, further analysis must be considered.



- (1) ***CONVENTIONAL MUNITIONS:*** Warheads, explosives, or other large caliber projectiles.
- (2) ***NUCLEAR TECHNOLOGY:*** Nuclear physics and/or nuclear engineering used in the development of nuclear materials for both peaceful and military applications.
- (3) ***ROCKET SYSTEMS:*** Ballistic Missile Systems, Unmanned Air Vehicles, and space launch vehicles.
- (4) ***ROCKET SYSTEMS AND UNMANNED AIR VEHICLE SUBSYSTEMS:*** Propulsion technologies, solid rocket motor stages, liquid propellant engines, re-entry vehicles, guidance sets, thrust vector controls, and warhead arming technologies.
- (5) ***NAVIGATION, AVIONICS AND FLIGHT CONTROL USEABLE IN ROCKET SYSTEMS AND UNMANNED AIR VEHICLES:*** Internal navigation systems, tracking and homing devices, accelerometers and gyroscopes, flight control systems, and global positioning systems.

(6) **CHEMICAL, BIOTECHNOLOGY AND BIOMEDICAL ENGINEERING:** Biochemistry, microbiology, pharmacology, immunology, virology, bacteriology, mycology, toxicology, genetic engineering, recombinant DNA technology, pathogenicity, microencapsulation, chemical engineering, neurochemistry, pharmaceutical production technology.

(7) **REMOTE SENSING, IMAGING AND RECONNAISSANCE:** Remote sensing satellites, high resolution radar, imagery instruments, photogrammetry.

(8) **ADVANCED COMPUTER/MICRO-ELECTRONIC TECHNOLOGY:** Supercomputing, speech processing systems, neural networks, data fusion, quantum wells, superconductivity, optoelectronics, acoustic wave devices, superconducting electron devices, flash discharge type x-ray systems, frequency synthesizers, microcomputer compensated crystal oscillators.

(9) **MATERIALS TECHNOLOGY:** High performance metals, alloys, and ceramics associated with military applications.

(10) **INFORMATION SECURITY:** Cryptography, cryptographic systems.

(11) **LASER AND DIRECTED ENERGY SYSTEMS TECHNOLOGY:** High and low energy lasers, directed and kinetic energy systems, optoelectronics, optical tracking, high speed pulse generation, magnetohydrodynamics.

(12) **SENSORS AND SENSOR TECHNOLOGY:** Marine acoustics, optical sensors, night vision devices, gravity meters, high speed photographic equipment, magnetometers.

(13) **MARINE TECHNOLOGY:** Submarines and submersibles, undersea robots, marine propulsion systems, signature recognition, acoustic and non acoustic detection.

(14) **ROBOTICS:** Artificial intelligence, automation, computer-controlled machine tools, pattern recognition technologies.

(15) **URBAN PLANNING:** Architecture, civil engineering, community development, environmental planning, geography, housing, landscape architecture, urban design.

Seyfarth Shaw's Business Immigration Group provides periodic Immigration Alerts about noteworthy developments in the business immigration field. The information that we provide is of a general nature and should not be interpreted as legal advice applicable to a specific factual situation. If you have questions about the information contained in this Immigration Alert or would like to know more about Seyfarth Shaw's Business Immigration Group and our inbound and outbound visa processing capabilities, please contact either of our co-chairs: Jim King in Atlanta at jking@seyfarth.com or Russell Swapp in Boston at rswapp@seyfarth.com. If you would like to receive notice about future Immigration Alerts, please go to the navigation bar and click "Subscribe" under the Immigration Updates section.