SEYFARTH SHAW LLP
ATTORNEYS

Memorandum

TO: Nonimmigrant Visa Applicants

FROM: Seyfarth Shaw Business Immigration Group

DATE: January 26, 2007

RE: Technology Alert List

Due to recent policy developments within the U.S. Department of State ("DOS"), it is possible that you 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 your proposed activities fall within one or more occupational categories listed on the DOS's "Technology Alert List," a list identifying activities which 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.

If your proposed U.S. activity appears on this list, you may be subjected to an additional security clearance in connection with the visa stamp application. In a worst case scenario, you could be denied a visa altogether if the consular officer determines 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 you must remain outside the United States.

It is the proposed U.S. activity which governs whether you might be subject to this additional security clearance - - not your country of citizenship or nationality. Thus, security clearances could be required of (and delays experienced by) citizens and nationals of <u>any</u> 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 the 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.

<u>Thus, if you work for a company whose field is described below or you are engaged in an educational or research program involving such activities, you are at risk for being delayed abroad in connection with the application for a visa stamp</u>.

In order to minimize the risk of delay and the attendant disruption to your personal and work life, you may wish to consider limiting your international travel if you require a new visa stamp in order to return to the U.S. Further, when traveling abroad and when applying for a visa stamp you may want to take with you a letter confirming your employment and confirming that our job duties do not fall under the State Department's "Technology Alter List".

The DOS's Technology Alert List contains sixteen (16) categories. Each category lists technologies associated with the following:

(1) **Advanced ceramics**: production of tanks, military vehicles, and weapons systems.

(2) **Advanced computer/microelectronic technology**: superconductivity, supercomputing, microcomputer compensated crystal oscillators.

(3) **Aircraft and propulsion and vehicular systems**: liquid and solid-rocket propulsion systems.

(4) **Chemical and biotechnology engineering**: development of biological and toxin agents, pathogenics, biological weapons research.

(5) **Conventional Munitions**: Warhead and large caliber projectiles, fusing and arming systems.

(6) **High-performance metals and alloys**: associated with military applications.

(7) **Information security**: cryptographic systems and systems ensuring secrecy of communications.

(8) **Lasers and directed energy systems**: Laser-guided bombs, ranging devices countering missiles.

(9) **Marine technology**: Submarines and deep submersible vessels, marine propulsion systems designed for undersea use and navigation, radar, acoustic/nonacoustic detection.

(10) **Materials technology**: Production of composite materials for structural functions in aircraft, spacecraft, and undersea vehicles and missiles.

(11) **Missile/Missile technology**: Air vehicles and unmanned missile systems.

(12) **Navigation and guidance control**: Delivery and accuracy of unguided and guided weapons such as tracking and homing devices, internal navigation systems, vehicle and flight control systems.

(13) **Nuclear technology**: Production and use of nuclear material for military applications.

(14) **Remote imaging and reconnaissance**: Military reconnaissance efforts such as drones, remotely piloted or unmanned vehicles, imagery systems, high resolution cameras.

(15) **Robotics**: Artificial intelligence and computer-controlled machine tools

(16) **Sensors**: Marine acoustics, missile launch calibration, night vision devices, high-speed photographic equipment.