

Use HR to Help Prevent Export Violations Involving Foreign Nationals

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Is your human resources department asking job candidates the right questions when it comes to citizenship or immigration status?

In order for your company to protect information about ITAR or EAR controlled products, that is to remain private, your HR department needs to confirm each applicant's citizenship status.

The problem arises when employees are committing export violations unknowingly. Disclosing details about controlled exports to foreign nationals, without proper licensing to do so, is considered an export violation by the U.S. government. Technical details, designs, and software are all examples of export controlled items.

How can we prevent these violations?

Violations exist because company information that is intended to remain enclosed within the company can be spread outside of the workplace for the wrong reasons. Other persons, companies, or services could use this leaked information in harmful ways. Through knowledge and communication, export violations and other restrictions can be prevented; through knowing which staff members are foreign nationals and knowing which type of information needs to remain confidential, HR and staff members

can work together to prevent violations from occurring.

There is a high priority need for HR to alert a company's empowered official, the top person responsible for the company's export compliance policies and procedures, whenever any foreign national is hired. However, since U.S. law also prohibits employers from discriminating against job candidates based on their citizenship status, HR may find it necessary to consult with an attorney before making any changes to the hiring process. It should be noted that this is an area where employment law overlaps with export compliance regulations. Navigating through the requirements while staying within the confines of the law is no simple task. Companies should seek guidance from a legal expert, such as a trusted attorney, under these circumstances.

Understanding and following regulations on export control can be complicated. When it comes to your company's export controlled products or services, MGTA's consultants can provide professional [export process review and gap analysis](#) to help with keeping confidential information safe.

Be prepared and procedure ready

Is your staff properly trained on the necessary precautions? [Contact us](#) today to learn more about our [export process reviews](#) and [onsite training](#).

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