

Export Controls: Iran Sanctions Travel and Activities Guidance

This document is important for all faculty, staff and students who are interested in traveling to Iran or will be engaging with an Iranian entity to review.

Background

The Department of Treasury, Office of Foreign Assets Control (OFAC) broadly regulates and restricts transactions with embargoed countries including certain academic collaborations and exchange of research materials and equipment. The most comprehensive controls apply to: Cuba, Iran, North Korea, Sudan and Syria. The regulations are country specific. This overview of selected prohibited transactions and exemptions focuses on OFAC regulations regarding transactions with Iran, specifically the Iranian Transactions and Sanctions Regulations (31 CFR Part 560).

Penalties

Penalties can apply to the individual, the institution or both. Criminal penalties may result in fines of up to \$1 million per violation and up to 20 years in jail for natural persons. Civil penalties may also be imposed, in an amount up to \$250,000 or an amount equal to twice the amount that is the basis of the violation.

Who this applies to

OFAC regulations apply to U.S. persons. The term *United States person* means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States. See 31 CFR §560.314.

The regulations apply to United States citizens and permanent residents *wherever located*, and to foreign nationals located inside the United States (and in some cases, to foreign nationals outside the U.S. See 31 CFR §560.205 and 560.420).

Action	Detail	Regulatory Reference
Prohibited importation of goods or services from Iran	Except as otherwise authorized (e.g., pursuant to a license issued by OFAC), importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran, other than information and informational materials is prohibited. An example might be: <ul style="list-style-type: none"> • Accepting samples shipped from Iran for testing or analysis; 	See § 560.201
Prohibited exportation, reexportation, sale or supply of goods, technology, or services to Iran	“Services” is broadly construed to mean providing anything of value, even if no money is exchanged. Examples might be: <ul style="list-style-type: none"> • Attending and presenting at a conference in Iran • Conducting surveys and interviews inside Iran • Providing technical assistance, unpublished data or research results to an Iranian national in Iran or an Iranian institution • Teaching or lecturing as a guest of an institution in Iran 	See § 560.204; §560.410

Prohibited transactions

Personal communications

This exemption does not apply if one of the parties to the transaction is the Government of Iran (a term that does not for the purpose of this section include academic and research institutions and their personnel).

The prohibitions of Part 560 do not apply to any postal, telegraphic, telephonic, or other personal communication, which does not involve the transfer of anything of value.

There is also a general license that authorizes export of certain services, software and hardware incident to personal communications.

Publishing

	<ul style="list-style-type: none"> • In connection with the filing and processing applications and acceptance of payments for submitted applications and tuition from or on behalf of for students in Iran or ordinarily resident in Iran; • Related to the recruitment, hiring, or employment of faculty located in Iran or ordinarily resident in Iran; • To individuals in Iran or ordinarily resident in Iran to sign up for online undergraduate courses (including MOOCs) in the humanities, social sciences, law, or business, or introductory level science and engineering courses “ordinarily required for the completion of undergraduate degree programs;” <p>Authorizes U.S. persons to take undergraduate courses or conduct undergraduate academic research in Iran.</p> <p>Authorizes U.S. persons to take graduate courses in humanities, social sciences, law, or business or conduct graduate level academic research in the humanities, social sciences, law, or business in Iran;</p> <p>Authorizes U.S. persons to export services to Iran for activities such as combating illiteracy and increasing access to education; and</p> <p>Authorizes U.S. persons to administer college entrance exams or professional certificate exams in Iran.</p> <p>None of these authorized services can be provided to blocked persons or SDN’s (see above prohibited transactions). For distance learning, there should be a case-by-case determination about engineering and science courses as to whether they fit the parameters allowed by OFAC (i.e. “ordinarily required” for undergraduate programs).</p>	
<p>Activities and services related to certain nonimmigrant and immigrant categories</p> <p>Activities and services related to certain nonimmigrant and immigrant categories</p>	<p>Authorizes persons eligible for certain visa categories (including F and J visas) to carry out in the United States those activities for which such a visa has been granted.</p> <p>Authorizes U.S. persons to export services to Iran in connection with the filing of an individual’s application for certain non-immigrant visa categories.</p> <p>Authorizes the release of technology or software to students ordinarily resident in Iran who are attending school in the United States as authorized, provided that all of the following requirements are met:</p> <ol style="list-style-type: none"> 1) Such release is ordinarily incident and necessary to the educational program in which the student is enrolled; 2) The technology or software being released is designated as EAR99 under the Export Administration Regulations, 15 CFR parts 730 through 774 (the “EAR”), or constitutes Educational Information not subject to the EAR, as set forth in 15 CFR 734.9; 3) The release does not otherwise require a license from the Department of Commerce; and 	<p>See § 560.505</p> <p>See § 560.505</p>

The student to whom the release is made is not enrolled in school or participating in the educational program as an agent, employee, or contractor of the Government of Iran or a business entity or other organization in Iran.