




The University of New Mexico

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MEMORANDUM

Date: February 24, 2004

To: Contract & Grant Administrators
HSC Pre-Award Office
RIPLS Staff

From: Terry L. Yates, Vice Provost for Research 

Re: Restrictions on Foreign Nationals

As you know, we have been seeing federal contract provisions restricting the participation of certain non-immigrant foreign nationals in our research contracts and grants.

Federal contract clauses restricting the participation of foreign nationals do not necessarily create legal problems, and are sometimes acceptable. They are most likely to be acceptable when they are applied to researchers conducting research on military or Department of Energy/National Lab facilities. They may, moreover, be acceptable on campus as well, under limited circumstances.

The compliance issues are not trivial, however. Any such contract clauses must be approved by me or Jack McIver.

Similarly, some contracts require UNM to comply with export control laws, and to waive our standard university research exemption from those laws. That effectively restricts foreign national participation in our research. Such contracts must also be approved by me or Jack McIver.