Foreign National Access Program Manual

Beatriz Rodriguez
Foreign National Access Program Supervisor

Melissa Ormond
Global Services Department Head

Managed by Fermi Research Alliance, LLC for the
U.S. Department of Energy Office of Science
www.fnal.gov

U.S. DEPARTMENT OF
ENERGY | Office of Science

TABLE OF CONTENTS

INTRODUCTION

This manual aligns to the Fermilab Policy on Access and the Fermilab Site Security Plan (SSP) and addresses the implementation of systems, procedures, and policies at the Fermilab site and its associated resources to ensure compliance with contractual obligations relating to DOE O 142.3B Unclassified Foreign National Access (UFNA) Program. Fermilab FNA program applies to all foreign nationals accessing the Fermilab sites (Batavia and Lead, SD) and associated resources.

DEFINITIONS

Access

Permission to enter the Fermilab sites (Batavia and Lead, SD) and/or use Fermilab information or technologies.

Affiliation Validator

FRA employee who is accountable for verifying the information of an individual requesting access and ensuring the individual is a member of and/or associated with the experiment, project, or division/section prior to approving Fermilab access. Approvers are required to develop and follow their own approver verification process.

DOE Unclassified Foreign National Access (UFNA) Program

Program for unclassified foreign national access to Department of Energy (DOE) sites, information, and technologies by establishing requirements for an approval, review, documentation, and tracking process.

Fermilab FNA Program

The systems, procedures, and policies at Fermilab that implement the DOE's UFNA program.

Foreign Access Central Tracking System (FACTS)

DOE's official national database of information on unclassified foreign national access.

Foreign National Security Plan (FNSP)

Foreign National Security Plans address risk and sensitivity factors including security area type to be accessed, whether sensitive subjects will be discussed, and the foreign national individual's affiliation with sensitive countries.

Indices Checks

A procedure whereby a request is made to appropriate U.S. Government agencies to determine whether information exists on a particular foreign national. Indices checks are valid for a period of two years from the indices completion date, as documented in FACTS by the Office of Intelligence and Counterintelligence.

Science and Technology (S&T) Risk Matrix

Critical emerging research and technologies that require protection which do not otherwise have control mechanisms (e.g., classified information, International Traffic in Arms Regulations, export controls). The S&T Risk Matrix is intended to highlight areas of emerging and potential concern associated with economic and/or intellectual competitiveness and not to overlap or supersede

existing controls associated with national security or commerce restrictions.

Non-public Areas

Areas that are designated restricted from public access by the Fermilab Site Security Plan.

Public Areas

Areas designated for public access by the Fermilab Site Security Plan.

Non-Sensitive Country Nationals

A foreign national who was born in, is a citizen of, is employed by, or represents a government, company, organization, or institution that is located in a country not on the sensitive country list and not a state sponsor of terrorism as identified by the Department of State.

Sensitive Country

Country to which particular consideration is given for policy reasons during the DOE internal review and approval process for access by foreign nationals. Countries may appear on the list for national security, nuclear nonproliferation, or terrorism support reasons.

Country of Risk

Any foreign country determined to be of risk, following consideration of, but not limited to, the Office of the Director of National Intelligence WorldWide Threat Assessment and The National Counterintelligence Strategy of the United States of America, by the Under Secretary for Science in consultation with the Under Secretary of Energy; the Under Secretary for Nuclear Security; and the Office of Intelligence and Counterintelligence.

State Sponsors of Terrorism

Countries that have been identified by the Department of State as sponsors of groups and/or activities which support terrorism or terrorist activities. A National of a State Sponsor of Terrorism is a foreign national who was born in, is a citizen of, is employed by, or represents a government, company, institution, or other organization based in a country on the Department of State list of State Sponsors of Terrorism.

OVERVIEW OF RESPONSIBLILITIES

Laboratory Director

The Laboratory Director is responsible for ensuring compliance with the DOE UFNA Order (DOE O.142.3B).

Site Approval Authority

The Site Approval Authority is the Fermilab Director; however, the authority can be delegated. The Site Approval Authority is responsible and accountable to approve requests for access by foreign nationals to Fermilab sites, programs, information, and technologies.

Global Services Department Head

The Global Services Department Head is accountable for the implementation of the DOE UFNA Order and communication with the Fermilab Site Office (FSO) on the Fermilab FNA program.

Foreign National Access Program (FNAP) Supervisor

The FNAP Supervisor is responsible for the implementation of the DOE UFNA Order and administration of Fermilab's FNA program.

Security Cleared Fermi Research Alliance, LLC. (FRA) Employee

The Security Cleared FRA Employee is responsible and accountable for reviewing Counterintelligence (CI) concurred FNSPs for sensitive country foreign nationals with access to sensitive information and provides concurrence or deferrals based on counterintelligence (CI) briefings and trainings necessary to recognize risks and threats, prior to access being granted.

Global Services Department

The Global Services Department is responsible for the day-to-day collection and review of documentation required under Fermilab's FNA program, and to support other Fermilab badging procedures and requirements.

- The Campus Access Office is responsible for badging users, affiliates, subcontractors, authorized guests, and US employees.
- The Visa Office is responsible for badging foreign national employees.
- The Event Coordinator Office is responsible for contracting foreign national business visitors (business visitors do not receive a Fermilab ID badge, but a visitor badge) and personal visitors (personal visitors do not receive a badge, but a red sticker).

Foreign National Access Program (FNAP) Office

The FNAP Office is responsible for the day-to-day functions required under Fermilab's FNA program, including:

- Review of all foreign national CV submissions
- Generate Foreign National Security Plans (FNSP) for Host acknowledgment and approval when applicable
- Coordinate Counterintelligence concurrence for all sensitive CVs and FNSPs when applicable
- Approve all foreign national acces requests in ServiceNow
- FACTS uploads
- Administers the official invitation process
- Review indices checks expiration dates in FACTS

Export/Import Control Compliance Manager

The Export/Import Control Compliance Manager is responsible for executing export control processes and approvals for all foreign national requesting access.

Hosts

FRA employee approved by the appropriate Division/Project to be responsible for the activities associated with a foreign national accessing the Fermilab site or resources and who has completed Fermilab Host Training

Escorts

A trained individual who is accountable for the daily activities of a visitor for the duration of a planned visit. Escorts are required to accompany any persons at the lab who are accessing non-public areas and do not have a Fermilab badge.

PROCEDURE

Overview of Site Access

It is FRA policy to follow requirements in DOE Order 142.3B Unclassified Foreign National Access Program and DOE O 470.4B Safeguards and Security Program for evaluating permission to access Fermilab sites (Batavia, IL and/or all associated spaces leased by DOE for FRA use in Lead, SD) and/or associated resources. Such approvals for on-site and/or remote access shall be based on

information submitted in advance and may include consideration of the purpose of access, identity of the individual, and aspects of their home institution or other affiliations. The nature of the approved work shall also determine the levels of access, review, and approval.

On-site Access

An individual requesting on-site access to the Fermilab sites (Batavia and Lead, SD) must apply for and obtain a Fermilab ID Badge (in the case of SD, individuals currently obtain a Fermilab ID Number and SURF badge; this will change in the future). An updated Curriculum Vitae (CV) is required from foreign nationals conducting research. Foreign Nationals physically accessing the site(s) must be assigned a Fermilab host and be approved by the Site Approval Authority prior to receiving their Fermilab ID Badge (or ID Number). Additionally, sensitive country foreign nationals with access to sensitive information must be concurred by Counterintelligence and a Security Cleared FRA employee. Individuals requesting on-site access will be issued an informal invitation letter with QR code and a formal invitation letter (when applicable).

ID Badge Issuance

Fermilab ID Badges for foreign national users, affiliates, subcontractors, and authorized guests are issued for up to one year and foreign national employees are issued badges for up to three years (or the duration of the foreign national's lawful immigration status or employment term date) after the following steps are completed:

- Verification of the individual's association to Fermilab and approval of access by the Point of Contact (POC), Affiliation Validator, FNAP Office, and Export/Import Control Office.
- Verification of documentation required for FACTS data entry by the relevant Global Services Office.
- Confirmed completion of all required training.
- Final approval of access by the Site Approval Authority.

Review and Approval

The Site Approval Authority runs the non473 report in Workday/Fermiworks and reviews the information before approving site access for the individual in Workday/Fermiworks. The Site Approval Authority will reference the Foreign National Security Plan (FNSP) for information on host assignment, laboratory affiliation, and dates of access.

Business Visitors

Business visitors are issued a blue badge/sticker upon verification of their association to Fermilab and approval by the Point of Contact (POC). Foreign National business visitors must be approved by the FNAP Office and Export/Import Control Office.

Personal Visitors

Personal visitors are issued a red sticker upon verification of their association to Fermilab and approval by the Point of Contact (POC). Foreign National personal visitors accessing non-public locations must be approved by the FNAP Office and Export/Import Control Office.

Public Visitor Exemption

Individual who has no business with Fermilab and is restricted to designated public access areas during public access hours.

Remote Access

An individual requesting remote access to Fermilab information, technologies, and/or resources must apply for and obtain approval prior to such access being granted. An updated Curriculum Vitae (CV) is required for all foreign nationals conducting research. Foreign Nationals accessing resources remotely must be assigned a Fermilab host and be approved by the Site Approval Authority prior to receiving computing access. Additionally, sensitive country foreign nationals with

access to sensitive information must be concurred by Counterintelligence and a Security Cleared FRA employee.

Affiliation Validators

Affiliation Validators are accountable for verifying the information of an individual requesting access and ensuring the individual is a member of and/or associated with the experiment, project, or division prior to approving Fermilab access. Validators are required to develop and follow their affiliation approver verification process. Verification of users, affiliates, subcontractors, authorized guests must occur before access approval is granted. Verification is completed through ServiceNow and is part of the request for new or renewed Fermilab computing privileges and/or on-site access.

ServiceNow

- Using a ServiceNow online interface, an individual requests new or renewed Fermilab computing privileges and/or on-site access.
- The ServiceNow system forwards the request to the individual's designated Point of Contact (POC).
- Once the POC approves the request, the ServiceNow system forwards the request the Affiliation Validator for the requested affiliation.
- Once the Validator verifies and approves the request, the ServiceNow system forwards the request to both the Export/Import Control Office and the FNAP Office for approval. (when applicable).
- After approval by Export Control and FNAP the ServiceNow system forwards the request to the Agreements manager (when applicable).
- After approval by Agreements Manager (when applicable), the ServiceNow system pushes the data to Workday/Fermiworks to create the person record.
- Once the record is created, the Campus Access Office closes the ServiceNow task, and the ServiceNow system forwards the request to the ServiceDesk for further processing.
- Once completed, the requestor is sent their Fermi ID Number by ServiceNow.

Access Requests

Access Request in Workday/Fermiworks

Each access request must contain (1) all data required for FACTS entry; and (2) Data required by DOE Order 142.3B. Specifically, this is "sufficient documentation of immigrant or nonimmigrant status, citizenship, and identity."

Expired documents for Physical Access

The Global Services Department performing the verification of the individual seeking on-site access must examine original documents to verify identity, status/lawful presence, stay, and authorization for activities. Generally, expired documents are not acceptable as evidence of status, stay or authorization to work. Foreign National status shall not expire during the access request and must have lawful immigration during the entire access request.

- U.S. immigration law does not mandate that LPRs renew their Form I-551 Alien Registration Cards (Green Cards). Expired green cards therefore are acceptable evidence of identity and of immigrant status.
- Because of limitations within FACTS, the expiration date of expired green cards is removed during FACTS entry. The expiration date is included for Workday/Fermiworks entry and must be listed on the Form non473.
- If an individual presents an expired document of status/stay, it must be combined with evidence of the timely filing of an extension of status/stay.
- For most NIV status holders, this will be a Form I-797 Receipt Notice showing a filing date before

the expiration of the status/stay, PLUS a copy of the Form I-129 petition itself showing that an extension of status or stay was requested. **See: Proper Documentation for On-Site Access.**

- For TPS a copy of the Federal Register page announcing the extension of TPS status. Depending on when the government issued the extension of TPS status, the individual might have a sticker on his/her EAD card indicating the extension.

Foreign National Security Plan (FNSPs)

Foreign National Security Plans (FNSP) are intended to assist those hosting foreign nationals in protecting information and facilities not intended for access by the foreign national and are only required for sensitive country foreign nationals with access to sensitive information. All FNSPs for sensitive country foreign nationals with access to sensitive information will need to be acknowledged by the individual's Host.

FNSPs for individuals from sensitive countries, countries of risk, or state sponsors of terrorism and with potential access to sensitive information or topics must include a justification for the requested access, including specific activities or involvement specific to the individual with associated physical and logical access controls/limitations as well as delineation of access to sensitive information.

FACTS

U.S. citizen employees of the Campus Access Office and FNAP Office are the only FRA employees authorized to enter, maintain, and update required data for all foreign nationals who have been approved for access into DOE FACTS. All Foreign Nationals with approved access must be entered into FACTS and closed out within 15 days after the last day of access.

NOTE: FACTS uploading has been on hold since October 31st, 2023 and awaiting further guidance from our IT and FACTS developers.

Hosts

Each foreign national accessing Fermilab (on-site and remote) must be assigned a Host prior to their access approval. Hosts are approved by the individual's supervisor, affiliation representative, and the FNAP Office. Hosts must be U.S. citizens or foreign nationals **not** associated with a country of risk or state sponsors of terrorism as defined by DOE Order 142.3B, FRA employees, and are required to complete host training before being assigned foreign nationals. Host training must be completed annually. FNAP will conduct monthly assessments to ensure that host training is up to date and send reminders to hosts for expiring or expired training. If hosts do not update expired annual host training within 30 days, FNAP will transfer all of their FN assignments to other eligible hosts and remove them from the host program. Hosts are notified of their assigned foreign nationals upon the access start date via an alert in Workday/Fermiworks and an email notification. On-site hosts cannot be assigned more than twenty on-site foreign nationals at any time. Remote hosts have no limitation on number of assignees.

Foreign nationals shall inform their hosts of all things that may affect their legal status in the U.S. These include, but are not limited to, change in name, passport, visa information, immigration status, and Fermilab access dates, any interactions with law officials in the U.S., or any plans to leave the U.S.

Escorts

All unbadged foreign nationals are required to be escorted when accessing non-public areas. The exception is foreign national visitors attending public events. Escorts must have a current Fermilab ID badge and be 18 years of age or older. Escorts are required to take Escort Responsibilities

training annually. Escorts are limited to twenty visitors at a time.

FNAP Assessments

FNAP conducts monthly, quarterly and annual assessments to ensure compliance with DOE Order 142.3B. Below is a complete list and schedule of the FNAP assessments.

Assessments	Frequency
FACTS Entries against Workday	Postponed until FACTS usage resumes
Review of Missing or Outdated CVs in FACTS	Postponed until FACTS usage resumes
Indices Checks Assessment in FACTS	Postponed until FACTS usage resumes
Confirmation of FACTS Closeout	Postponed until FACTS usage resumes
Immigration Status Assessment in FACTS	Postponed until FACTS usage resumes
Incident Reports Involving Foreign Nationals	Monthly
Foreign National Facility Access Termination	Quarterly
Authorized Guests - Hosts	Quarterly
Onsite Host Limit	Quarterly
FNAP Website Updates and Review	Quarterly
FNAP Procedures, policies, best practices	Quarterly
Review hostlistserv	Quarterly
Host Training Requirement	Monthly
Training Presentations Review and Updates	Annually
Employee FNSPs	Annually
Assessment of Equivalencies/exemptions pertinent to visits and assignments	Annually
Assessment of SSTC (T-4) FACTS Entries	Annually
Review of Sensitive Countries Listings	Annually
Review of FNSP tabs in the Affiliation Database	Annually
Confirm Hosts Responsibilities performance	Annually
Assessment of Affiliation Approver Verification Process	Annually
Assessment of completed Foreign National Security Plans (FNSPs)	Annually
Assessment and updates to the Fermi Site Security Plan (FNAP Section)	Annually

State Sponsors of Terrorist Countries (SSTC) Access Request Package Checklist

This checklist provides a list of documents to include and actions to perform in order to compile a completed SSTC Package. The checklist is organized in the order of documents to include. Due to the sensitivity of SSTC request packages, all templates are found in the MFA folder for FVA.

- o Obtain PII Information from SSTC Individual. Note: If a renewal, some of this unchanging information (i.e. date of birth) can be pulled from previous packages.
  - Country of birth and citizenship
  - Current residence information (country; time period)
  - Current employer information (institution, address, length of service)
  - Passport information (country of issuance, number, expiration date)
  - Visa information (number, status, expiration date)
  - Last visit to SSTC countries

- o Letter to FSO for Foreign Natl Visit:
  - ☐ Edit subject line for either an extension or new request
  - ☐ Edit SSTC country of birth/affiliation in letter body
  - ☐ Obtain Chief of Staff signature

- o Official Use Only Warning document:
  - ☐ Include this document in the package. It does not require additional edits.

- o Host Questionnaire for SSTC:
  - ☐ Email this document to the SSTC individual's Host to complete

- o Memo to DOE Under Secretary for Science:
  - ☐ Edit subject line ("Initial" or "Extended")
  - ☐ Edit justification and benefit for visit or assignment. Use reference letters to answer questions and add specific details.

- o Package Info Subject Matter Expert Approvals:
  - ☐ Enter SSTC individual's PII information
  - ☐ Enter Benefit and Justification (pulled and edited from Memo to DOE Under Secretary for Science)
  - ☐ If an International Agreement is available reach out to Technology Transfer or Chief of Staff to obtain.
  - ☐ Obtain signatures
    - ▪ Lab Director
    - ▪ Local Security
    - ▪ Export Control
    - ▪ Technology Transfer
    - ▪ Counterintelligence
    - ▪ Cyber Security
    - ▪ Specific Security Plan
    - ▪ OPSEC
    - ▪ Site Office and/or DOE Headquarters
      - • Note: Lawful Permanent Residents (LPR) and access request renewals do not require DOE Headquarters signatures; only Site Office signatures
      - • Note: All new access requests and all visits need to be routed to both the Site Office and DOE Headquarters for signatures.

- o Unclassified Foreign National Specific Security Plan:
  - ☐ Enter individual's PII information
  - ☐ Obtain Host's signature
  - ☐ Obtain Chief of Staff signature

- o CV
  - ☐ Obtain updated CV from SSTC individual

- o Reference letters
  - ☐ Obtain two letters from SSTC individual
    - ▪ Typically, one letter is from a Fermilab individual, while the second is from a home country/institution individual

- o Passport and Visa Documents
  - ☐ Obtain scans of these documents from the SSTC individual

- o Current INS documentation
  - ☐ Obtain and include this in the package. This information is the same as passport and visa documents.

- o Enter SSTC individual's information into FACTS
  - ☐ Follow instructions in the SSTC FACTS Entry Process.

- o FACTS printouts
  - ☐ Include Biographic data in package
  - ☐ Include Visit Information in package

Reminders: Confirm all access dates are consistent among documentation

Science and Technology Risk Matrix.

Foreign nationals who wish to access one of Fermilab's red/restricted Science and Technology Risk Matrix areas must submit an access request and be approved before access can be granted. Affiliations for red/restricted technologies and/or information have been established with the Principle Investigator (PI) serving as the Affiliation Approver. Foreign nationals must select the appropriate affiliation associated with a red/restricted technology and/or information and be approved by the PI. If the PI approves the request, additional reviews may be required depending on the individual's citizenship. If the individual is a foreign national from a sensitive country, the FNAP Office will coordinate with the PI to assess the access request and develop a sensitive Foreign National Security Plan (FNSP) for access approval. If the individual is a foreign national from a country of risk, the FNAP Office will initiate the enhanced review process as described in DOE O 142.3B (Chg 1).

REFERENCES

DOE O 142.3B, Unclassified Foreign National Access Program

Policy on Access to Fermilab, dated 03-21-2023

Proper Documentation for On-Site Access