

Case study seven: Overseas students studying in and outside the UK

Two postgraduate students from South Asia wish to study on advanced postgraduate programmes on the design and development of satellites.

One plans to attend full-time at a university in the UK. The other wants to study based on a split-site programme, part-time at the UK university and part-time with an institution in their own country.

Technology for the development and production of spacecraft is normally controlled under the relevant entry in the Dual-Use List (Category 9, Aerospace).

Face-to-face teaching of the student in the UK falls under the controls in Article 10 of the 2008 Export Control Order (transferring 'technology' within the UK).

Course tutors must apply for dual-use export licences to transfer course notes containing information not already in the 'public domain', outside the UK. This applies for both course notes that are physically exported or transferred electronically.

Technology for the development, production, or use of satellites specifically designed or modified for military use, falls under the UK Military List. Any electronic transfer to any destination is licensable.

A licence is only required for face-to-face teaching when the tutor is aware or informed that either student intends to put their teaching to 'WMD purposes'.

The course tutor must get an export licence for online teaching of the student undertaking the split-site study when it involves the electronic transfer of teaching material. This is unless that information is already in the 'public domain'.

Export Control licence approval is required for the transfer of technology including by intangible methods such as:

- Electronically via email
- File downloads
- Video conferencing
- Virtual learning environments
- Telephone conversations

identify an irregularity during a compliance audit. If this happens, it is very important to report the irregularity (sometimes known as 'voluntary disclosure') to HM Revenue & Customs (HMRC) as soon as possible, as they are responsible for the enforcement of strategic export controls. If the irregularity was found on an ECJU-compliance audit, the compliance inspector will have informed HMRC and you are strongly advised to do the same.