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**Effective Date:** 2/20/2011

**Revision History:** Noted Below

**Responsible University Officer:** Office of Research Administration (ORA)

**Responsible Offices:** Office of Research Administration (ORA)

## Purpose

Effective February 20, 2011, the U.S. Citizenship and Immigration Services ([USCIS](#)) issued new requirements for employers sponsoring foreign nationals through the I-129 Petition for a Nonimmigrant Worker process. Specifically, the revised I-129 form added [Part 6](#) "Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States".

This new required attestation stems from the "[deemed export](#)" rule under the U.S. government's Export Administration Regulations ([EAR](#)) and the International Traffic in Arms Regulations ([ITAR](#)), which provides that the transfer, release, or disclosure of controlled technical data, technology or software to a citizen or national of a foreign country, even if in the United States, is deemed to be an export to that country. Inclusion of the modified Part 6 of the I-129 application is the first time export control disclosures have been an explicit part of the immigration application process as directed by USCIS.

It is the responsibility of the Supervisor to monitor changes in job descriptions, responsibilities and/or departmental procedures that may put a foreign national at risk of exposure to controlled or restricted items. Such changes may require a review by the Director, Export Control Compliance to ensure adherence to U.S. export control laws and regulations. Any changes should not impact the status of the individual's visa, unless a license is required and cannot be obtained. No controlled / restricted items may be released to any foreign national until a review is completed by the Director and, if required, a license by the governing agency is received. If, at any point, the Supervisor or hiring department is unsure how to complete the form or has questions about items or projects that may be considered controlled or restricted, the Supervisor or hiring department should contact the Director, Export Control Compliance for guidance.

This standard operating procedures (SOP) document outlines the procedures that the ORA Export Control Compliance office will follow to review the I-129 attestation form for application of H-1B, H-1B1 Chile/Singapore, O-1A, and L-1 visa types.

## Definitions

Please refer to UM's [Office of Research Administration Export Control Compliance website](#) for a list of acronyms and terms commonly found within U.S. export control laws and regulations, as well as UM's export control compliance program.

## Responsibility

<b>Requesting Department</b>	Is the department within UM hiring a foreign national who qualifies under the I-129 process. Completes I-129 Attestation Form and forwards to ORA office via <a href="mailto:exportcontrol@miami.edu">exportcontrol@miami.edu</a> Human Resources (HR) or Faculty Affairs (FA) representative assisting department with visa application is to be copied on all email communications.
<b>Supervisor</b>	Responsible for monitoring changes in job functions or departmental operations so as not to risk foreign national access to export controlled / restricted items.
<b>ORA</b>	Reviews I-129 attestation form. Runs Restricted Party Screening (RPS). If applicable, works with requesting office on applying for export license.
<b>General Counsel (GC)</b>	Collaborates with the Director, Export Control Compliance in understanding of export classifications and regulations, license applications, or other activities where legal input is needed.



<b>Human Resources (HR) / Faculty Affairs (FA)</b>	Responsible HR or FA representative assists the Requesting Office with visa application process.
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## Procedure

Step	Responsibility	Action
1	HR / FA	Notifies Requesting Department of requirement to complete EXPORT-F-001. <b>(See sample e-Mail in Appendix A)</b>
2	Requesting Department	Accesses EXPORT-F-001 from the <a href="#">ORA website</a> and completes the form electronically per the instructions outlined in the document..
3	Requesting Department	Submits EXPORT-F-001 to the export control mailbox as outlined in the instructions section
4	ORA	Reviews EXPORT-F-001 for legibility and completeness.
5	ORA	Analyzes and reviews documentation for export compliance risks. Conducts restricted party screening (RPS).
5.a	ORA	If the RPS report returns any restricted results: <ol style="list-style-type: none"> <li>1. Verifies that the correct individual was searched; re-runs report.</li> <li>2. Declines EXPORT-F-001.</li> <li>3. Forwards EXPORT-F-001 and RPS results electronically to GC and Requesting Department so appropriate actions can be taken by applicable parties.</li> <li>4. Files form and correspondence electronically.</li> </ol>
5.b	ORA	If the RPS report returns with no restricted results: <ol style="list-style-type: none"> <li>1. Approves EXPORT-F-001.</li> <li>2. Forwards EXPORT-F-001 electronically to the Requesting Department, HR/FA Rep, and immigration attorneys as appropriate, making note of any risks.</li> <li>3. Files form and correspondence electronically.</li> </ol>
5.b.1	ORA	If analysis of the form results in requirement for an export license, notifies GC, Requesting Department, and appropriate HR/FA Representative.
5.b.1.a	Requesting Department	Dean / Department Chair must give approval to apply for export license. If YES, approves EXPORT-F-001; begin license application process. (Steps6-11) If NO, declines EXPORT-F-001. Process complete.
6	ORA	Conducts investigation to gather data required for license application.
7	ORA	Submits license application as applicable.
8	ORA	Tracks progress of license application.
9.a	ORA	If license is approved and received, original is filed with the ORA office. Provisos are reviewed with Requesting Department. Copies are submitted electronically to the GC and Requesting Department.
9.b	ORA	If the license application is denied, the Requesting Department and GC will be contacted to discuss next steps.
11	ORA	Files all correspondence and documentation electronically. Process complete.

**Records retention:** The official record of I-129 attestation is maintained with the office that is responsible for processing the I-129 application and other on-boarding documentation per the policy for that office.



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## Documentation

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<b>I-129 Export Control Attestation form</b>	Export Control & Technology Management office document number: EXPORT-F-001. Required for each H-1B, H-1B1 Chile/Singapore, L-1 and O-1A visa applicant.
<b>Restricted Party Screening</b>	Required for each applicant. Maintained via web-based application and is available for review as deemed necessary.

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## References

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See Appendix A for sample e-Mail example.

Visit the [Office of Research Administration Export Control Compliance website](#) for details of UM's export compliance program, policy, references, and training materials.

Visit the various hyperlinks embedded throughout SOP and Form for I-129 Attestation to various external sources.

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## Templates / Forms

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**EXPORT-F-001: I-129 Attestation Form:** Required for all applicants who are foreign nationals where H-1B, H-1B1 Chile/Singapore, L-1 and O-1A visas are being applied. The form is to be completed by the UM department hiring the foreign national.

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## Signature

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<b>Print Name:</b>	John L. Bixby, Ph.D.	
<b>Title:</b>	Vice Provost for Research	
Signature on File		8/8/14
<b>Signature</b>		<b>Date</b>

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## History

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Effective Date	Revision Date	Authors	Description
20-Feb-2011	N/A	Mackey, Steve	Establish procedures to conform to U.S. Regulations.
	19-April-2012	Epley, Wendy	Updated to conform to current processes.
	4-June-2012	Epley, Wendy	Updated to reflect new Office of Research document numbering scheme.
	31-July-2014	Epley, Wendy	Updated to reflect new office naming and revised form.
	27-Oct-2016	Perrin-Steinberg Michelle	Updated to reflect Office name change and website.



**Appendix A**

**Suggested Email Sample To Requesting Department for Completion of I-129 Attestation Form**

FROM: Human Resources / Faculty Affairs Representative  
TO: Requesting Department contact, Other relevant contact(s)  
CC: [exportcontrol@med.miami.edu], other relevant contact(s)  
SUBJECT: [Name of Foreign National]

MESSAGE BODY:

As part of the visa application process for [insert applicant's name] for the position of [insert title] we will need your office to complete [UM's I-129 attestation form](#) (EXPORT-F-001) from the Export Control Compliance website. Please read the form instructions carefully. Please note that the visa application process cannot move forward until the I-129 attestation form has been submitted to UMs Office of Research Administration Export Control Compliance office and export control review has been completed and approved.

Thank you!

[Insert Representative Name]