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New Export Control Certification Requirement for Employment Visas

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Insight — 1/12/2011

Starting February 20, 2011, companies that complete I-129 forms to obtain work visas for foreign professionals are required to certify that they have reviewed and are in compliance with export-related regulations. Non-compliance could result in rejection of applications and/or fines.

A new I-129 form became effective December 23, 2010, but the requirement to complete the form was suspended until February 20th. The new Form I-129 Petition for Nonimmigrant Worker, implemented by the U.S. Citizenship and Immigration Service (USCIS), requires applicant companies to certify that they have reviewed the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR) and determined whether a U.S. export license is required.

Companies failing to complete the new certification after full implementation will likely face rejection of applications. Failure to accurately complete the certification may result in fines and/or penalties for false statements.

Please contact us with questions.

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