



Sample letter to clients re: part 6

February 25, 2011

Client Name
Address
City, State, zip

Dear _____,

We would to bring your attention to an important change to the Form I-129 Nonimmigrant Visa petition for all H-1B, L-1 and O-1A categories. As of February 20, 2011, you will now need to certify in Part 6 of the Petition that you have reviewed two sets of complex export regulations, ITAR and EAR, and understood and applied these regulations to make a license determination for your Beneficiary. Further, you must certify that you either:

- 1) Do not need a license; or
- 2) Need a license and, unless/until you receive one, your organization has ensured that it will prevent your Beneficiary from having any access to controlled data.

This is an extremely complex area of the law and regardless of whether you feel export regulations have any implication for your business, you need to at least familiarize yourself with the concepts of Part 6 to determine what steps you will need to take *before* you can sign this petition.

We recommend the following:

- 1) Determine who will signing this petition on behalf of your organization. It should be someone with enough seniority to understand both your operations and the implications of signing this petition under penalty of perjury.
- 2) Take the training: **USCIS I-129 Part 6 Training: What You Need To Know Before Your Sign**, which can be found at (<http://eo2.commpartners.com/users/aila/>). This training is targeted specifically for organizations with H-1B, L-1 and O-1A visa petitions that need help understanding Part 6. It is available online with a cost of \$150. In addition to the person signing this petition, this training is a great resource for your HR and legal team as well, to better understand the nexus between export laws and HR/immigration issues that could affect your organization. Upon completing this training, you will receive a completion certificate. Make sure you keep this certificate in your files, should there be any questions or audits down the road. You will also be provided written materials, sample forms, FAQs and other helpful information. We think it is worth your time.



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- 3) Reach out to the appropriate office at your organization that handles or would handle export control issues. Offices that might typically be charged with export control include: the Provost Office, Compliance Office, General Counsel Office, Institutional Research, Office of Sponsored Programs, Office of Research, Grant Accounting, etc. If there is no such office, consult with a senior level person to determine who will sign the petition and the best approach. This may include, consulting export counsel.
- 4) Develop an institutional sign-off form for use by departments when initiating the H-1B or O-1A process that requires each department to obtain the appropriate clearance prior to initiating an H-1B or O-1 visa application. A sample of this form is available with **USCIS I-129 Part 6 Training: What You Need To Know Before Your Sign**. Such a form should include the name, position, country of citizenship and residence of the beneficiary and a description of the beneficiary's duties. The form should include the date of training, if applicable. Additionally, you should attach to the form, the actual I-129 itself, the text of the relevant I-129 instructions, and a space for the name, signature, title, and contact information for the person who will be certifying the petition. Also attach the certificate of completion from the training.

We are happy to speak with you regarding the I-129 or to refer you to other resources and/or export counsel, should you need any further assistance. Thank you

Regards,