

**Export Control Certification for H-1B, H-1B1, or O-1A Nonimmigrant Visa Petitions  
Filed on Form I-129 "Petition for Nonimmigrant Workers"**

**SECTION I: To be completed for ALL Petitions**

Prospective H1-B Employee Name: \_\_\_\_\_ EID: \_\_\_\_\_

Account No: \_\_\_\_\_ Nationality: \_\_\_\_\_

U.S. Citizenship and Immigration Services (USCIS) has changed its form I-129, adding a section that requires review and certification relative to export controlled technology or technical data released to a prospective employee on an H-1B, H-1B1 (Chile & Singapore), L-1, or O-1A nonimmigrant visa. As the new section certifies whether the prospective employee will or will not potentially require a license from the U.S. Department of Commerce or the U.S. Department of State, completing the form means that basic export control issues must be assessed by those who will supervise the prospective employee.

More information about export controls is available through the UTRGV Export Controls training module (<https://my.utrgv.edu/home>) and on the export controls website (<http://www.utrgv.edu/research/for-researchers/export-controls/index.htm>)

It is now **mandatory** that you review the UTRGV Export Control training module and the export control website before answering the questions below in advance of preparing the visa petition. Per form I-129 requirements, a certification must be made as to whether or not a license is required from U.S. Department of Commerce or U.S. Department of State. Your answers below will help determine whether an export license may be needed for the prospective employee.

1. Is the potential employee from Cuba, North Korea, Syria, Iran or Sudan?	<input type="radio"/> Yes	<input type="radio"/> No
2. Will the potential employee have access to encryption technology? (THIS DOES NOT APPLY TO COMMERCIAL ENCRYPTION SOFTWARE INSTALLED ON PC'S OR LAPTOPS)	<input type="radio"/> Yes	<input type="radio"/> No
3. Will the potential employee be involved in a project that has a Technology Control Plan in place?	<input type="radio"/> Yes	<input type="radio"/> No
4. Will the applicant be involved in a project that:		
a. Requires approval, or prohibits use, of foreign citizens on the project?	<input type="radio"/> Yes	<input type="radio"/> No
b. Requires sponsor approval prior to publication or discussion at an open conference?	<input type="radio"/> Yes	<input type="radio"/> No
c. Has a military purpose?	<input type="radio"/> Yes	<input type="radio"/> No
d. Involves spacecraft, satellites, rockets, missiles, unmanned aerial vehicles or related items or technology?	<input type="radio"/> Yes	<input type="radio"/> No
e. Requires access to proprietary (i.e., confidential) information protected under a non-disclosure agreement?	<input type="radio"/> Yes	<input type="radio"/> No

If you answered "no" to all of the above questions, please send the original of this form to the HR-Immigration Services. However, if you are unsure, have additional questions, or answered "yes" to any questions, please email a copy to: [exportcontrols@utrgv.edu](mailto:exportcontrols@utrgv.edu) for review.

Form I-129 states: **"Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."** Your signature below certifies that the information you provided above is true and correct, that you have completed the export control training module and that if a license is required, you will not give the prospective employee any export controlled technical data/technology until the proper authorization is received. Without the below signatures, form I-129 cannot be processed and filed by the university.

<p>_____ Signature of Supervisor of Prospective Employee</p> <p>PRINTED NAME: _____ Date: _____</p>
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I have reviewed the above information:

<p>_____ Name/Signature of Department Chair/Director</p> <p>DEPT/UNIT _____ Date: _____</p>
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Internal Use Only: Restricted Party Screening completed and clear (if not clear, refer to EC)  Yes  No

If you answered "yes" to any of the questions in **Section I**, please answer the appropriate questions in **Section II**

**Section II: ADDITIONAL REQUIRED INFORMATION FOR AFFIRMATIVE RESPONSES IN SECTION I**

If you answered "Yes" to Question No. 2, describe the encryption technology and the potential foreign employee's anticipated role in the project. "Technology" is information that relates to the production, development, or use of encryption in a new or existing product or software. Please note that this applies to technology for the development, production, or use of a product or software that will use the existing encryption capabilities of a publicly available program or hardware item (such as using the encryption functionality of a browser, wireless device, router, etc.):

If you answered "Yes" to Question No. 3, Please attach a copy of the Technology Control Plan.

If you answered "Yes" to Question No. 4. (a) - (e) – Briefly describe the nature of the project and the reason why you answered "yes" to any of the questions:

Please email this completed and signed form (both pages) to [exportcontrols@utrgv.edu](mailto:exportcontrols@utrgv.edu)

**FOR EC INTERNAL USE**

Is a license required to release an export controlled item, software, or technology to prospective employee?

Yes  No

\_\_\_\_\_  
Export Control Officer

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date