

# H-1B Request

To be completed by Hiring Department

Please type or print clearly. Write "N/A" where appropriate.

Family Name of Beneficiary (employee): \_\_\_\_\_ First Name: \_\_\_\_\_

Type of petition (check one):

# H-1B Request

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## Prevailing Wage Worksheet

This form should be completed based on information for the position, not the individual. This information is required for the International Center to obtain the prevailing wage from the U.S. Department of Labor. Please complete all fields and use "N/A" where appropriate.

Is the position covered by a Collective Bargaining Agreement (CBA)?      Yes      No



# H-1B Employment Letter Sample

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Please print on Departmental Letterhead Stationary

Date

Department of Homeland Security  
U.S. Citizenship and Immigration Services  
California Service Center  
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Re: H-1B Petition of Illinois Institute of Technology  
Department of Nuclear Industry  
On behalf of DOE, John

Dear Examiner:

This letter is in support of the petition to classify Dr. Doe, a Finnish national H-1B nonimmigrant in a specialty occupation, to serve as an Assistant Professor in our department on a temporary basis. The intended period of employment is three years (this must match the period of time requested below: 5(n)-3(d) 5(n t)-11(h)-5(e H)-45(-)49(1)60(B r)28(e)-14(q)-3(u)-5(e)-4(s)-3(t fo)-7(r)16(m c)-9(o)-6(m)-2(p)-8(l)- being offered temporary employment as an Assistant Professor with expertise in foreign nuclear teaching methods, to serve as the supervisor of basic nuclear courses and supervisor of the teaching assistants who will serve as instructors of these courses. The position of Assistant Professor requires a D. degree which is a standard requirement for this type of position. In addition, we expect the holder

# Illinois Institute of Technology Deemed Export Certification

International Center

Applicable to H-1B, H-1B1, L-1 and O-1A Petitions Only

Current federal immigration regulations require that Illinois Institute of Technology (IIT) certify to the U.S. Citizenship and Immigration Services (USCIS) that it complies with U.S. Export Control Regulations with respect to the employment activities of certain foreign workers (hereinafter referred to as "Scholar"). In order to assist IIT with this certification requirement, as Scholar's designated supervisor or sponsor, you must provide the information below as appropriate, return the fully completed form to IIT's International Center and maintain a copy of this completed form in your files. In addition, you must update this form in the event of any changed circumstance(s) concerning the Scholar's use of export controlled technology or data in his/her employment with IIT.

## SCHOLAR INFORMATION:

Scholar's Name: \_\_\_\_\_ A#: \_\_\_\_\_

Country of Citizenship: \_\_\_\_\_

Country of Permanent Residence: \_\_\_\_\_

Job Title: \_\_\_\_\_ Department: \_\_\_\_\_

With respect to the technology or technical data IIT will release or otherwise provide access to the Scholar, the Department certifies that it has reviewed the Export Administration Regulations (EAR), and the International Traffic and Arms Regulations (ITAR) and determined for the Scholar:

## DEPARTMENT DETERMINATION (CHECK ONLY ONE):

- ... 1. The Scholar will not participate in research at IIT that is covered by the list of technologies and services contained in: (a) the State Department's "United States Munitions List" ITAR Part 121; or (b) the Commerce Department's "Commodity Control List" EAR Part 774.
- ... 2. The Scholar will participate in research at IIT that is covered by the list of technologies and services contained in: (a) the State Department's "United States Munitions List" ITAR Part 121; or (b) the Commerce Department's "Commodity Control List" EAR Part 774.

The State Department's "United States Munitions List" may be found at the following website:

[https://www.pmddtc.state.gov/regulations/laws/documents/official\\_itar/2013/ITAR\\_Part\\_121.pdf](https://www.pmddtc.state.gov/regulations/laws/documents/official_itar/2013/ITAR_Part_121.pdf)

The Commerce Department's "Commerce Control List" may be found at the following website:

<http://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl>

If you have any questions about completing this form, please contact IIT's Office of Sponsored Research and Programs at (312) 567-3035.

As background information, please see the information on the reverse side of this certification which is drawn from the I-129 Form and its instructions, and will be what the International Center completes as part of the employment process based on the information submitted by the Department. It also contains information on Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR).

I certify, based on my review, that I have indicated the applicable box for the Scholar.

Typed Name and Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Phone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

## Acknowledgment by Department/Administrative Head

Typed Name and Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Background Information for Use in Completion of Deemed Export Certification for H-1B Petitions

The following is for informational purposes only while completing the certification on the previous page. The information you provide enables IIT's International Center to complete portions of the USCIS Form I-129 as part of the employment process for foreign national employees on an H-1B visa.

### Deemed Export Attestation Instructions for Form I-129 Effective 10/07/2011

These USCIS instructions are aimed at International Center staff, but do provide references to source material on EAR and ITAR. While these instructions provide general guidance, the law is found in the regulations and statutes themselves. Please consult your campus Export Control Officer for specific guidance. For example, the first paragraph on "U.S. Export Controls on Release of Controlled Technology or Technical Data to Foreign Persons" does not make it clear that certain foreign persons in the United States may access some controlled technology or technical data, depending on the foreign national's country and the technology or data. Thus, it is important to work with your campus Export Control Officer in resolving export control and deemed export issues.

U.S. Export Controls on Release of Controlled Technology or Technical Data to Foreign Persons. The Export Administration Regulations (EAR) (15 CFR Parts 770-774) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130) require U.S. persons to seek and receive authorization from the U.S. Government before releasing to foreign persons in the United States controlled technology or technical data. Under both the EAR and the ITAR, release of controlled technology or technical data to foreign persons in the United States—even by an employer—is deemed to be an export to that person's country or countries of nationality. One implication of this rule is that a U.S. company must seek and receive a license from the U.S. Government before it releases controlled technology or technical data to its nonimmigrant workers employed as H-1B, L-1 or O-1A beneficiaries.

Requirement to Certify Compliance with U.S. Export Control Regulations. The U.S. Government requires each company or other entity to certify that it has reviewed the EAR and ITAR and determined whether it will require a U.S. Government export license to release controlled technology or technical data to the beneficiary. If an export license is required, then the company or other entity must further certify that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received from the U.S. Government the required authorization to do so. The petitioner must indicate whether or not a license is required on Page 6, Part 7 of Form I-129.

Controlled Technology and Technical Data. The licensing requirements described above will affect only a small percentage of petitioners because most types of technology are not controlled for export or release to foreign persons. The technology and technical data that are, however, controlled for release to foreign persons are identified on the EAR's Commerce Control List (CCL) and the ITAR's U.S. Munitions List (USML). The CCL is found at 15 CFR Part 774, Supp. 1. See [http://www.access.gpo.gov/bis/ear/ear\\_data.html#ccl](http://www.access.gpo.gov/bis/ear/ear_data.html#ccl). The USML is at 22 CFR 121.1. See [http://www.pmdtc.state.gov/regulations\\_laws/itar.html](http://www.pmdtc.state.gov/regulations_laws/itar.html). The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as "dual-use" items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles.

The U.S. Department of Commerce's Bureau of Industry and Security administers the CCL and is responsible for issuing licenses for the release to foreign persons of technology controlled under the EAR. The U.S. Department of State's Directorate of Defense Trade Controls (DDTC) administers the USML and is responsible for issuing licenses for the release to foreign persons of technical data controlled under the ITAR. Information about the EAR and how to apply for a license from BIS are at [www.bis.doc.gov](http://www.bis.doc.gov). Specific information about EAR's requirements pertaining to the release of controlled technology to foreign persons is at [www.bis.doc.gov/deemedexports](http://www.bis.doc.gov/deemedexports). Information about the ITAR and how to apply for a license from DDTC are at [www.pmdtc.gov](http://www.pmdtc.gov). Specific information about the ITAR's requirements pertaining to the release of controlled technical data is at [http://www.pmdtc.state.gov/faqs/license\\_foreignpersons.html](http://www.pmdtc.state.gov/faqs/license_foreignpersons.html).

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# Hiring Department Checklist

Please submit one copy Q R V W D S O H V of the items below to the International Center

\$ Beneficiary Forms and Supporting Documents

Please refer to the H-1B Worker's d