

Practice Areas

BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

E-2 Visas

PERM Labor Certification

HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

Export Controls Impacting Employers of Foreign Workers

September 9th, 2011 by [admin](#)

President Obama's export control reforms were launched in 2009 to tighten controls on the exporting of technology and weapons, but the implications are just now being grasped by many employers who depend upon foreign workers for assistance.

The new Form I-129 petition for non-immigrant worker visa went into effect on Dec. 23, 2010, requiring employers to certify that they have reviewed the Export Administration Regulations ("EAR") and the International Traffic in Arms Regulations ("ITAR") and determined whether they will need an export license to release technology in connection with the proposed employment arrangement.

Until now, many employers might not have realized that release of information about controlled technologies to foreign workers is functionally equivalent to shipping controlled technologies overseas without permission.

Employers who did not read Form I-129 carefully might also have missed its provisions authorizing release of any information from the employer's records that the U.S. Citizenship and Immigration Services ("USCIS") deems necessary by means of request or by on-site compliance reviews.

Companies that employ foreign workers also agree by signing Form I-129 that they will demonstrate to USCIS that they have appropriate export control compliance programs in place to insure that controlled technologies and weapons are not inadvertently released. This certification is an enforcement tool that USCIS will no doubt use in lieu of seeking warrants or probable cause orders to obtain company records.

The Shapiro Law Group

Illinois Business Immigration Lawyer

450 Skokie Boulevard, Suite 502
Northbrook, IL 60062, United States
Phone: 847.564.0712
Fax: 847.564.0871
Email: consult@ronaldshapiro.com
Website: <http://www.ronaldshapiro.com/>
Blog: <http://www.business-immigration-lawyer.com/>

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Thus, employers need to become familiar with EAR and ITAR, as well as the provisions of Form I-129 if they wish to continue employing foreign workers without jeopardizing their own businesses.

If you are an employer or agent of an employer with questions about the employment of foreign workers, do not hesitate to call our offices for an appointment at (847)564-0712 and/or check out the pertinent section of [our Website](#) for more information.