

ALERTS AND UPDATES

Suspension of Implementation of Part 6 of the Updated Form I-129 Regarding Export Control Questions

December 23, 2010

On December 22, 2010, U.S. Citizenship and Immigration Services (USCIS) [announced on its website](#) that employers will not be required to complete Part 6 of Form I-129 containing the new export control / ITAR questions until February 20, 2011. Part 6 is titled "Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States." This section requires petitioners to make a certification on whether the foreign worker will have access in the workplace to technology and technical data for which an export license is required and, if applicable, to confirm that the petitioner will prevent such access until an export license or other authorization is obtained.

USCIS received a number of inquiries from stakeholders, requesting a delay in order to give petitioners time to establish the necessary internal processes to properly satisfy the attestation requirements. The U.S. Department of Commerce has confirmed that USCIS will suspend the requirement that H-1B, H-1B1, L-1, and O-1A petitioners complete the export control / ITAR questions in Part 6 on the new I-129 form for a period of 60 days, but will require petitioners to use the [new I-129 form](#)—revised on November 23, 2010—for petitions postmarked December 23, 2010, or after.

For additional information regarding the new export-control compliance section of Form I-129, please see our prior [Immigration Alert](#).

For Further Information

If you have any questions about this *Alert*, please contact any of the [attorneys](#) in our [Employment, Labor, Benefits and Immigration Practice Group](#) or the attorney in the firm with whom you are regularly in contact.

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