



**INTERNATIONAL
STUDENTS AND
SCHOLARS**
Office of International Affairs

I-129 Export Control Compliance Certification

An employer petitioning for a nonimmigrant employee in the H-1B visa category must certify on the USCIS Form I-129 (Box 1, Part 6) that it has reviewed the EAR and ITAR regulations and determined that A) No license is required from the U.S. government for release of the technology or technical data; or B) A license is required and the employer will prevent access of the technology or technical data by the foreign employee until the required license is obtained. This form is to certify that Box 1, Part 6 of Form I-129 may be checked.

Name of the Foreign National:	<input type="text"/>
Foreign National's Citizenship(s):	<input type="text"/>
Name of Supervisor or PI:	<input type="text"/>
UCM School/Department	<input type="text"/>

Will the H-1B beneficiary be working in one of the following areas? (Check all that apply):

- ☐ Biomedical Sciences
- ☐ Computer Sciences
- ☐ Space Sciences
- ☐ Engineering
- ☐ Other Scientific Discipline

If no boxes are checked above, please sign, date and email this form along with the employee's CV to ExportControls@ucmerced.edu. If one or more boxes above are checked, please mark the applicable boxes below then sign, date and email this form along with the employee's CV to ExportControls@ucmerced.edu.

CERTIFICATION BY SUPERVISOR / PI:

- ☐ The research agreement (e.g. grant or contract) and/or projects on which the beneficiary will be working does not restrict or prohibit the participation of foreign persons in the project.
- ☐ The research agreement (e.g. grant or contract) and/or projects on which the beneficiary will be working does not restrict or prohibit the research team's right to publish any of the data or research results.
- ☐ In performing the work as an H-1B foreign national, the individual will not be provided access to the following: 1) Technical information that has been stamped "export controlled" 2) Sponsor or third-party proprietary or confidential information, materials, or software, or 3) Encryption source code.
- ☐ In performing the work as an H-1B foreign national, the individual will not be provided access to equipment specifically designed or developed for military or space applications.

CERTIFICATION REGARDING THE RELEASE OF CONTROLLED TECHNOLOGY OR TECHNICAL DATA TO FOREIGN PERSONS IN THE UNITED STATES:

Check Box 1 or Box 2 as appropriate

With respect to the technology or technical data that will be released to or otherwise provided access to the H-1B employee, I certify that I corresponded with Deborah Motton concerning the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and have determined that:

- ☐ A license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person, or
- ☐ A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.

You as the supervisor or PI attest you are familiar with the job duties and other particulars of the employment of the H-1B beneficiary listed above and hereby affirm that the contents of the foregoing certification are true, to the best of your knowledge, information and belief. You further understand that failure to accurately complete this questionnaire can result in U.S. government export control violations for which civil and criminal penalties can be assessed against any individual (including PI) found to have caused or facilitated a violation, and/or against the University of California, Merced.

Foreign National's Supervisor Name

Signature

Date

CERTIFICATION BY UC MERCED OFFICE OF RESEARCH COMPLIANCE AND INTEGRITY:

- ☐ A license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person, or
- ☐ A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.

I reviewed the submitted information and recommend that the following box be checked on Part 6 of Form I-129 regarding the release of controlled technology or technical data to foreign persons in the United States.

Signature

AVC for Research Compliance and Integrity

Date