



**Available 2/28/2011 through AILA**

## **USCIS Part 6 I-129: *What You Need To Know Before You Sign* On-Demand Client Training**

AILA has partnered with True Compliance Group to create an On-Demand employer-focused webinar training on USCIS Part 6 of the I-129. This training will be available for purchase through AILA starting **2/28/2011 for \$150**. After purchasing the On-Demand archive, a link to view the training will be e-mailed to the buyer. Just click on the link, listen, and learn!

This training is designed for employers, but is appropriate for attorneys as well. After completing the training, you and your client will be familiar with ITAR and EAR and how they relate to the new I-129 petition. Participants will understand the role of the different entities involved and key concepts necessary to complete Part 6, including:

- o U.S. Department of Commerce and U.S. Department of State
- o ITAR and EAR application
- o Petitioner/Beneficiary Foreign Person
- o Controlled Technology and Technical Data
- o Exports and Deemed Exports
- o License Determination
- o Preventing Access to Controlled Technology and Data

After completing the program, your client will be provided a certificate of completion for their files.

This training will be available starting 2/28/2011. Check the [Export Controls Resource Page](#) on AILA InfoNet for more information, including a link to the On-Demand client training and a downloadable Attorney Solutions Package featuring FAQs, sample client information, and easy website links.



## USCIS PART 6 I-129 TRAINING: WHAT YOU NEED TO KNOW BEFORE YOU SIGN

### FREQUENTLY ASKED QUESTIONS

**Q. How much is this training?**

A. \$150

**Q. How can I purchase this training?**

A. Starting on 2/28/2011 the ondemand client training will be available for purchase through AILA's conference recordings site.

**Q. What is the objective of this training?**

A. The objective of this training is to introduce you to the new requirements for completing Part 6 of the USCIS I-129 visa petition. As of February 20, 2011, you are required to certify in Part 6 that you have reviewed and are in compliance with the International Traffic in Arms Regulations ("ITAR") and the Export Administration Regulations ("EAR"), which are U.S. export laws.

**Q. What will I learn about in this training?**

A. By completing this training, you will become familiar with the ITAR and EAR and how they relate to your I-129 visa petition. You will learn about the different entities and concepts you need to understand in order to complete Part 6, including:

- Petitioner/Beneficiary
- U.S. Department of Commerce and U.S. Department of State
- ITAR and EAR application
- Foreign Person
- Controlled Technology and Technical Data
- Exports and Deemed Exports
- License Determination
- Preventing Access to Controlled Technology and Data

**Q. Will I be able to complete Part 6 after I take this training?**

A. On a practical level, the goal of this training is to help you feel confident enough with the concepts above to complete Part 6 of the I-129. This will all depend on your understanding of the issues, the laws, and their applicability to your own operations and policies. We envision three scenarios:

- 1) That you understand the regulations, know how to do a license determination, have decided your organization does not need a license, and feel confident about certifying Part6.
- OR
- 2) You understand the regulations, have determined that your organization needs a license, and have, or will have, the appropriate compliance procedures and policies in

place. Once verified/implemented, you should feel confident in signing Part 6. In reality, this means you have experts on deck and/or you will need to seek the advice of counsel.

OR

3) Through this training, you realize that your organization (may) need a license and it doesn't have (or you don't know if it has) compliance policies /procedures in place. In this case, your organization may have already violated export laws, for which there could be both significant criminal and civil penalties involved. You will need to contact your lawyer or seek the advice of counsel.

**Q. Who should take this training?**

A. This training is targeted at the senior level person within your organization who has a good understanding of your operations. Ideally, this would be the same person who signs the I-129 petition. This training is also beneficial for attorneys, in-house counsel, and HR/immigration professionals who want a better understanding of export laws, and, specifically, how they relate to the I-129.

**Q. Do I need to take this training for every I-129 I sign?**

A. For every I-129 visa petition, you will have to sign a certification in Part 7 of the I-129 certifying, under penalty of perjury, that *at the time you are signing*, the evidence submitted is true and correct to the best of your knowledge. This means that every time you sign a petition, you will need to affirmatively check one of the two boxes in Part 6, and the information needs to be true and correct every time. On a practical level, this means that you will not need to take the training every time you sign a visa petition. However, you will need to do the required license determination each time.

**Q. How often do I need to take this training?**

A. We recommend that you calendar and take this training annually for three reasons:

- 1) The regulations change frequently. In fact, President Obama is currently considering significant changes with these regulations this year;
- 2) As an organization with employees on visas, you need to make sure a current employee is trained in U.S. Export laws. Every organization has turn-over and with it goes historical knowledge and know-how. With civil and criminal implications, you can't afford to let this training lapse;
- 3) Your own policies and procedures change. You may add new projects, employees, or operations. Every time you sign an I-129, you need to make sure you have reviewed the regulations and have made the requisite license determination.

**Q. Will I get any proof I took this training?**

A. At the end of this training you will receive a certificate of completion. We recommend you keep this in a file with you I-129 records. It is also a best practice to keep employee training records.

**Q. Can I rely on this training to protect me if I get this wrong?**

A. Training is an important facet of an export compliance program and can be a mitigating factor when a violation does occur. That being said, the certificate you will receive

shows completion of training. It does not show that your analysis for Part 6 is true or correct. This training is not legal advice. If you are unclear or unsure about anything in this training or petition, and specifically Part 6, you need to consult *an attorney*.

**Q. What happens if we violate export laws?**

A. If you violate or have violated U.S. export laws, there can be severe civil and criminal implications. People do go to jail. Companies have to close their doors. Fines can reach millions of dollars. Significant penalties can be imposed on you and your company, even in cases where you were aware you were not complying with U.S. law. This is big. Take it seriously.

**Q. Can't this be considered discrimination if you don't hire someone because they are a foreign national?**

A. There is a potential conflict between US Equal Employment Opportunity and Export regulations. EEO laws provide in general that companies cannot exclude candidates from consideration based on national origin. However, if a person is being hired to work within a company that works in any way with controlled goods or services, that person's employment is inherently contingent upon whether that person is a "Foreign Person" and if so, whether the company can obtain a license. This can present a number of risks including potential discrimination litigation, a person being Benched- (hired but unable to do his/her job) and potential termination challenges. This is a great time to review your hiring, I-9 and immigration policies and procedures to with counsel to make sure they are in sync with U.S. laws as well as your own policies.