

H-1B Non-Immigrant Worker

A Checklist for the Sponsoring UNH Department to Complete

Documents required for extension requests

- Extension Form:** completed and signed by department
- University of New Hampshire Export Control Attestation** signed by Sponsored Research
- Updated Offer Letter*:** signed by the Dean/Chair/Director of the college
- Supporting Documentation from employee/scholar** (updated C.V., Copy of I-94, copy of any new passport)
- H-1B Letter of Support:** from sponsoring department

*If there has been a new letter issued since the last H-1B visa was issued

Filing Fees:

- \$460 Check:** I-129 filing fee made payable to "US Department of Homeland Security"
- \$1410 Check:** Premium processing fee for expedited services made payable to "US Department of Homeland Security" (optional)



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UNH Department Application for Extension of Employment for H-1B Employee

<p>This form is to be completed by the UNH Department requesting an extension of stay for a current H-1B employee. Return this signed form and the Export Control Attestation form to the OISS office.</p> <p>All information must be received at least 6 months prior to the end date of the Employee's current H-1B work authorization to allow sufficient time for processing by OISS, U.S. Department of Labor and U.S. Citizenship and Immigration Services.</p>					
UNH Department Name/Address:					
Name of Person to Whom Employee Reports:					
Phone:		e-mail:		Dept mail code:	
Employee Family Name:		First Name:		Middle Name(s), if any:	
Initial Dates of Appointment at UNH			Dates of Extension Request		
From:		To:	From:		To:
Current Living Address:			City:	State:	Zip Code:
Campus Address:				Campus Phone:	
Current Activity at UNH: (Check only one)		<input type="checkbox"/> Assistant/Associate Professor <input type="checkbox"/> Lecturer <input type="checkbox"/> Research Scholar <input type="checkbox"/> Post-Doctoral Associate <input type="checkbox"/> Other (explain) _____			
Have there been any changes in the Employee's position, duties or activities since he/she was first appointed? <input type="checkbox"/> No <input type="checkbox"/> Yes					
If Yes, please explain:					
Amount of Compensation Being Offered by UNH:				per	

Attestation

1. The hiring department attests to the following:
 - a. Employment of this individual will not adversely affect the working conditions of workers similarly employed. Further, this employee will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to similarly employed U.S. workers.
 - b. The department will pay at least the higher of either the actual wage paid by the department to all other individuals with similar experience and qualifications for the specific employment in question or, the prevailing wage as determined by the Department of Labor for those in similar occupations in the region.
 - c. If the H-1B employee is terminated by the University of New Hampshire prior to the expiration date of the approved petition, the department will pay the reasonable travel expenses necessary for the employee to return to her / home country.
 - d. There is no strike or work stoppage in the department at the time of signing this form.
 - e. The H-1B employee will not be placed on unpaid leave or any type of non-pay status at any time without OISS approval.
2. We understand that we may not make the following changes unless the OISS files a new or amended H-1B petition and receives approval (retroactive payments are not permitted) pursuant to U.S. law and related procedures:
 - a. Promotion or other change in job title or rank
 - b. Substantial changes in job duties/responsibilities
 - c. Any decrease in salary/benefits
 - d. A substantial increase in salary/benefits
 - e. Change in location of work
3. The information on these forms are, to the best of our knowledge, true and correct.
4. We understand that the department must submit timely requests for extensions and that failure to do so could result in one of the following:
 - a. A period of time in which the employee must stop employment/activity without any possibility of compensation (retroactive payments are not permitted).
 - b. Require the employee (and her/his dependents) to travel to her/his home country.
5. We understand that noncompliance with federal regulations to which we are attesting through this and other documentation can result in significant fines and will jeopardize UNH's ability to sponsor international scholars in the future.

Approved by:	Signature	Name	Date
Department Sponsor/Host			
Department Chair			
Dean			

University of New Hampshire Export Control Attestation

Export control laws are federal regulations that control the conditions under which certain information, technologies, and commodities can be transmitted overseas.

Please note that effective February 20, 2011 United States Department of Homeland Security (USDHS) and United States Citizen and Immigration Services (USCIS) require employers filing Form I-129 for H visa status on behalf of foreign nationals to certify that they have:

- (1) reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR), and
- (2) have made a determination as to whether or not an export control license is required to release any controlled technology or technical data to the foreign national.

Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States

Check Box 1 or Box 2:

With respect to the Technology or technical data the petitioner will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

1. A license is not required from either U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; or
2. 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.

Signatures Read the information on penalties in the instructions before completing this section.

H-1B Employee Name: _____

I certify, under penalty of perjury that this petition and the evidence submitted with it are true and correct to the best of my knowledge. I authorize the release of any information from my records, or from the petitioning organization's records that USDHS/USCIS needs to determine eligibility for the benefit being sought. I recognize the authority of USDHS/USCIS to conduct audits of this petition using publicly available open source information. I also recognize that supporting evidence submitted may be verified by USDHS/USCIS through any means determined appropriate by USDHS/USCIS, including but not limited to, on-site compliance reviews.

Department Sponsor	_____	_____	_____
Department Chair	_____	_____	_____
Dean / Director	_____	_____	_____
	<i>Signature (in blue ink)</i>	<i>Print Name</i>	<i>Date</i>

Director of Sponsored Programs Administration Signature

_____ Print Name	_____ Daytime Phone Number
_____ Signature (in blue ink)	_____ Date (mm/dd/yyyy)

NOTE: If you do not completely fill out this form and the required supplement, or fail to submit required documents listed in the instructions, the person(s) filed for may not be found eligible for the requested benefit and the H1B non-immigrant petition may be withdrawn and or denied.

An Export Control Attestation is required for ALL H-1B petitions

It is presumed that most research conducted within the University of New Hampshire is “fundamental research” and therefore exempted from export control requirements. Fundamental research includes basic or applied research in science and/or engineering at an accredited institution of higher learning in the U.S. where the resulting information either is ordinarily published and shared broadly in the scientific community or where the resulting information has been or is about to be published. Nonetheless, the Dean, Principal Investigator, Director and or Supervisor is required to affirm whether a license is required.

If you have questions about whether an export license is required please refer to:

www.unh.edu/research/export-controls

www.bis.doc.gov/complianceand enforcement/index.htm

www.access.gpo.gov/bis/ear/ear_data.html#ccl

<http://www.bis.doc.gov>

Additional Information

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.

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 CFF Part 774, Supp. 1. See <http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>.

The USML is at 22 CFR 121.1. See 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.

Specific information about EAR’s requirements pertaining to the release of controlled technology to foreign persons is at <http://www.bis.doc.gov/index.php/component/content/article/14-policy-guidance/deemed-exports/110-regulatory-information>.

Information about the ITAR and how to apply for a license from DDTC are at <http://pmdtc.state.gov/licensing>. 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.