

Export Control Compliance Attestation:

To be READ and SIGNED by the Primary Investigator(s) on any contracts/grants that the foreign individual named in this HIB request form will be paid.

I _____ (printed name of PI) am certifying by my signature below that the University is in compliance with all Export Control and Release of Controlled Technology or Technical Data to Foreign individuals in the U.S. (see detail below) for any contracts/grants on which _____ (name of foreign individual) will be paid.

With respect to the technology or technical data the petitioner will release or otherwise provide access to the foreign individual, I certify that I have reviewed EAR and ITAR *viewable at* <http://resadmin.uah.edu/RSA/> and have determined that: (Check box 1 OR box 2)

1. A license is not required from the U.S. Department of Commerce or the U.S. Department of State to release such technology or data to the foreign individual; OR
2. A license is required from the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the individual and the University will prevent access to the controlled technology or technical data until and unless the University has received the required license or other authorization to release it to the foreign individual.

P.I. SIGNATURE: _____ DATE: _____

OSP GRANT ADMIN. SIGNATURE _____ DATE: _____

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. 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. 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 technology and technical data that are 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 CFR Part 774, Supp. 1. See http://www.access.gpo.gov/bis/ear/ear_data.html#ccl. 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 www.bis.doc.gov/deemedexports. Information about the ITAR and how to apply for a license from DDTC are at www.pmdtc.gov. 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.

ACTUAL WAGE STATEMENT

Before UAH may submit an H1B petition on behalf of an employee, U.S. federal law requires that the employer document that the employee will be paid the higher of the “actual wage” or the Prevailing Wage Determination made by Department of Labor. **The actual wage is defined as the range paid to all individuals in the department with similar experience and qualifications as the prospective H1B worker for the position.** The prospective H1B employee will be considered to be receiving the actual wage if his or her salary falls within or above the range of wages currently paid to comparable employees in the same department. Where no other such employees exist at the place of employment, the H1B employee must be paid a salary that meets or exceeds the Prevailing Wage Determination.

Name of Prospective H1B Employee: _____
 List highest degree earned: _____
 Years of relevant post degree experience at the time the H1B petition is filed: _____
 Position Title: _____ Offered Salary: _____ FTE: _____
 Brief description of job duties: _____

In order to document the actual wage, please list all employees in the department with the

- same position title,
- number of years work experience,
- education level,
- job responsibility and function,
- FTE hours (both non-immigrants and US citizens)

Employee Position #	Annual Salary (current)	Years work experience	Years of UAH Service	Highest Degree	If this employee’s salary is higher than the individual’s salary named in this application, explain why. Cannot be for reasons listed above.

Attach additional sheet if necessary.

This form is available for public inspection in the Department of Labor Public Inspection file, upon request. Do not include employee’s names on the form, list by employee ID number only. The following criteria may not be used to indicate why another employee is being paid at a higher wage than the prospective H1B employee.

- Employee is funded by different grant than the prospective H1B employee
- Employee has different area of research
- Employee demanded more salary
- UAH salary freeze (past or present) resulted in different pay
- Insufficient, uncertain, or change of funding

I certify that the information contained on this Actual Wage Statement is correct and that the prospective H1B employee is or will be paid the higher of the actual wage or the state prevailing wage determination for this position.

 Signature of Department Chair or Center Director

 Date

TIMELINE AND GENERAL PROCESSING:

Once ISSO has received and reviewed the H1B request from the department or center, we will:

- 1) Prepare Prevailing Wage forms to be processed by the Department of Labor.
- 2) Contact the individual foreign national being sponsored on the H1B to complete an information form and obtain copies of required documentation for the petition.
- 3) Receive Prevailing Wage Determination Department of Labor and post the Federal Labor Certificate Attestation (LCA) in the University Center and in the department or center where the individual will be working. The posting must be visible in the “place of employment” for a minimum of 10 days. (2-4 weeks from the date submitted to Department of Labor)
- 4) Contact the department or center administrative contact to request that they process a check requisition for the appropriate filing fees to sponsor this individual and change any associated family dependant status.
- 5) When all of the above documents have been received, final USCIS paperwork will be completed by ISSO so the H1B petition can be mailed.

A minimum of 4-6 weeks (especially during the peak filing season of March-August) should be given to ISSO for the purpose of coordinating the preparation of USCIS and DOL paperwork in order to ensure that there is sufficient time to process all of the steps above. Processing time with the USCIS (Immigration) service center can vary depending on many factors including, the time of year the petition is mailed and whether premium processing service was requested.

EMPLOYING DEPARTMENT REPORTING REQUIREMENTS:

- ✓ **Prior to any change in employment status, including termination, promotion, salary changes, etc... it is the responsibility of the Department/Center to communicate the proposed change in writing/email to the International Student and Scholar Office (marisa.atencio@uah.edu)**
- ✓ **Departments will be contacted by an ISSO advisor apx. 6 months prior to the current H1B end date to determine if an extension is needed to continue employment. An H1B status is available for a maximum period of 3 years per request, renewable for a maximum of 6 years total.**
- ✓ **Employees who are traveling internationally (includes Canada, Mexico, and the Caribbean) must communicate travel plans a minimum of 30 days prior to departure with the International Student and Scholar Office.**