H-1B EMPLOYER INFORMATION CHECKLIST

1. General Employer Information
   a. Employer’s Full Legal Name
   b. Employer Address
   c. Worksite Address (if different)
   d. Name of Employer Contact with Email Address and Phone Number
   e. Name and Title of Employer’s Representative Authorized to Sign Forms
   f. Employer’s Federal Employer ID Number
   g. Year Established
   h. Current Number of U.S. Employees
   i. Current Number of H-1B Employees (if any)
   j. Employer’s Gross Annual Income (most recent year)
   k. Employer’s Net Annual Income (most recent year)

2. Position Information
   a. Job Title/Detailed Job Description
   b. Minimum Educational Requirements
   c. Proposed Start Date
   d. Other Employees and Their Degrees in Same Position
   e. If Part-Time, Number of Hours Per Week
   f. Offered Salary
   g. List of Other Benefits Provided
   h. Work location address

3. Export Control Compliance Attestation*
   a. License is not required to release controlled technology or technical data to foreign person. Yes or No?
   b. License is required and employer will prevent access to controlled technology or technical data until getting license to release it. Yes or No?

*Please note that USCIS now requires employers filing Form I-129 for H, L, and O 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 whether an export control license is required to release any controlled technology or technical data to the foreign national.

U.S. law prohibits the “export” of controlled technology and technical data to certain foreign nationals located within the United States, even if the company does not engage in any other exporting activities.

If an export license is required, the employer must attest that the worker will not be exposed to covered technologies without first obtaining an export license covering the
foreign worker. We need to make sure that you do no make a misrepresentation on Form I-129.

Export classifications and licensing determinations can be complex. If you are unsure whether the EAR and ITAR applies, you should consult with an attorney who has expertise in export control law to make the determination on which box to check.