

Recent changes to the United States Citizenship and Immigration Services (USCIS) regulations require the use of the new I-129 petition form. The University of Delaware must certify whether or not the foreign person will be performing work that is subject to the U.S. Department of State (ITAR) or U.S. Department of Commerce (EAR) export regulations and if export licensing will be required for the work.

It is important to note that the release of controlled technology or technical data to a foreign person **in the United States** is a “deemed export” and subject to the relevant export regulations. While most of the research conducted by foreign nationals at the University of Delaware qualifies as “fundamental research” (is performed without restrictions on publication or on who may participate), it is important to understand the specific terms of the contract or grant on which foreign national employees are working, as well as the nature of the research in order to correctly complete the new I-129 form.

The Office for International Students and Scholars will continue to manage the filing of I-129 forms at the University of Delaware. A new “[Export Control for Certification on I-129 Form](#)” has been instituted. This form must be submitted with other supporting documentation in order for the Office of International Students and Scholars to complete the I-129 for potential employees. Additionally, if a foreign national employee’s source of funding changes, a new certification form is required so that the University of Delaware may appropriately amend the I-129 filing.

The Research Office is available to answer questions and provide training on the U.S. export control regulations. Please contact the Assoc Provost for Research Dr. Cordell Overby at [overbyc@udel.edu](mailto:overbyc@udel.edu)

The Office for International Students and Scholars is available to assist with questions about hiring foreign nationals. Please contact Younes Haboussi, Coordinator of Immigration Services at [younesh@udel.edu](mailto:younesh@udel.edu).