



PROPOSED REVISIONS TO FORM I-129S BLANKET L PETITION – PLAN FOR DELAYS

USCIS has proposed the revision of the Form I-129S, which employers use to file Blanket L applications and petitions for temporary workers at U.S. Consular Posts and with the USCIS. Comments on the proposed revisions will be accepted until March 11, 2013, with the implementation of the new form expected shortly after. The proposed changes will require employers to provide additional information related to their employee's proposed activities in the U.S.

Below is a summary of the most important proposed changes in Form I-129S for the Blanket L-1 nonimmigrant visa classification.

Certification of Compliance with U.S. Export Control Regulations Added

The certification that has been in place on the regular Form I-129 since November 2010 dealing with U.S. laws regarding export controls is added in Part 5 of Form I-129S. Under both the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR), release of controlled technology or technical data to foreign persons in the United States – even if by an employer – is deemed to be an export to that person's country or countries of nationality. The employer must certify on the proposed new Form I-129S that it has reviewed the EAR and the ITAR and that it has determined whether an export license from the U.S. Department of Commerce or the U.S. Department of State is required. If the employer has determined that an export license is required, the employer must certify that it will prevent access to the controlled technology or technical data by the employee until and unless the employer has received the required license or other authorization to release it to the employee.

We continue to advise employers who have foreign national employees working at client sites to be aware of their exposure to controlled or restricted technology. If the Form I-129S is revised to add this export control section, employers should plan accordingly as this could delay the blanket L-filing.

Off-Site Work Location Information Required

The proposed new Form I-129S asks whether the L-1B specialized knowledge employee will work off-site and, if so, who will control and supervise the work and why the employee's specialized knowledge is needed at that worksite. The section also requests additional information related to the method of control over the employee's work that the employer will maintain while offsite.

If you have any questions regarding the new proposed Form I-129S or would like to send comments to USCIS on the proposed form, please contact your FosterQuan immigration attorney for more information. As always FosterQuan will continue to monitor global immigration regulations and procedures and will provide additional information in future Immigration Updates[®], and on our firm's website at www.fosterquan.com.