

**Jaynes, Thomas A**

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**From:** Doumani, Stephanie M  
**Sent:** Monday, February 24, 2014 5:23 PM  
**To:** Wright, William G  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** External Cap Documents  
**Attachments:** FY15 Cap Count Webpage OCC OPS FINAL.doc; FY15 Optional Checklist OCC OPS FINAL.doc; Updated QA FY15 Cap Gap OCC OPS SCOPS.doc; USCIS Announcement Regarding Premium Processing for H OCC OP&S.doc; USCIS Update (H-1B cap met) post-RNG OCC OP&S.doc; USCIS Update (H-1B cap Met) Pre-RNG OCC OP&S.doc; USCIS Update FY15 Cap Season Start OCC OP&S.doc; USCIS Update FY15 Cap Still Open OCC OP&S.doc

Hi Bill,

Thanks for addressing our questions earlier! Your assistance is appreciated.

I have attached the FY15 external cap documents to this email for front office and DHS clearance. These documents have been vetted by SCOPS, OCC, and OP&S.

I think Lauren may have already mentioned this, but just to reiterate, we have made some changes to the premium processing start date on I believe four of the eight documents. We specifically changed the April 21 premium processing start date to "no later than April 28."

Please let me know if I can provide you with anything else.

Thanks!

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk (b)(6)  
[REDACTED] BB  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

# H-1B Fiscal Year (FY) 2015 Cap Season

## The H-1B Program

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or practical application of a body of highly specialized knowledge, including but not limited to: scientists, engineers, or computer programmers.

For more information about the H-1B program, see the link to the left under temporary workers for H-1B Specialty Occupations and Fashion Models.

## How USCIS Determines if an H-1B Petition is Subject to the FY 2015 Cap

We use the information provided in Part C of the H-1B Data Collection and Filing Fee Exemption Supplement (Form I-129, pages 17 through 19, with a revision date of November 23, 2010, or later) to determine whether a petition is subject to the 65,000 H-1B numerical limitation (the "cap"). Some petitions are exempt from the cap under the advanced degree exemption provided to the first 20,000 petitions filed for a beneficiary who has obtained a U.S. master's degree or higher. Unless otherwise exempt from the cap, petitions filed on behalf of beneficiaries who have obtained a U.S. master's degree or higher will be counted against the regular cap once USCIS has received sufficient petitions to reach the advanced degree exemption.

## FY 2015 H-1B Cap Count

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000		
H-1B Master's Exemption	20,000		

## Cap Eligible Petitions

This is the number of petitions that USCIS has accepted for this particular type of cap. It includes cases that have been approved or are still pending. It does not include petitions that have been denied.

## **Cap Amounts**

The current annual cap on the H-1B category is 65,000. Not all H-1B nonimmigrants are subject to this annual cap. Please note that up to 6,800 visas are set aside from the cap of 65,000 during each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Unused numbers in this pool are made available for H-1B use for the next fiscal year.

## **When to File an FY 2015 H-1B Cap-Subject Petition**

We will begin accepting H-1B petitions that are subject to the FY 2015 cap on April 1, 2014. You may file an H-1B petition no more than 6 months in advance of the requested start date.

## **How to Ensure USCIS Considers Your H-1B Cap-Subject Petition to be Properly Filed**

Please comply with the following to ensure that your petition is properly filed:

- Complete all sections of the Form I-129 petition, including the H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129) and the H-1B Data Collection and Filing Fee Exemption Supplement (pages 17 through 19). We accept Form I-129 with a revision date of November 23, 2010, or later.
- Original signatures, preferably in black ink, are required on each form.
- Include a signed check or money order with the correct fee amount.
- Ensure that all required documentation and evidence is submitted with the petition at the time of filing to ensure timely processing.

**Note:** It is your responsibility to ensure that Form I-129 is completed accurately. Failure to complete Form I-129 with the correct information and/or provide the required fees or documentation may result in the rejection or denial of the H-1B petition.

Additionally, be sure to file the petition at the correct USCIS Service Center. See section below on **"Where to Mail Your H-1B Cap-Subject Petition."**

## **Additional Documents Required With Your Petition**

### **Labor Condition Application (LCA)**

You must submit a certified Department of Labor (DOL) LCA (Form ETA 9035) at the time of filing your petition. A copy of the LCA is acceptable.

Note: USCIS encourages petitioners to keep DOL LCA processing times in mind when preparing the H-1B petition and plan accordingly. If the LCA certified by DOL is for multiple workers, you must provide the name and USCIS case receipt number of any alien who has previously utilized the LCA.

Petitioners should be sure to sign the LCA prior to submitting it with the petition to USCIS.

Please see Department of Labor's [Office of Foreign Labor Certification](#) website for further information on the LCA process.

### **Evidence of Beneficiary's Educational Background**

You must submit evidence of the beneficiary's education credentials at the time of filing. If all of the requirements for the degree have been met, but the degree has not yet been awarded, the following alternate evidence may be submitted:

- A copy of the beneficiary's final transcript; or
- A letter from the Registrar confirming that all of the degree requirements have been met (if the educational institution does not have a Registrar, such letter must be signed by the person in charge of the educational records where the degree will be awarded).

If you are indicating that the beneficiary is qualified based on a combination of education and experience, please provide substantiating evidence at time of filing.

### **A Duplicate Copy of the H-1B Petition**

You must submit a duplicate copy of your H-1B petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable) if the beneficiary will be applying for a nonimmigrant visa abroad. USCIS will not make a second copy if one is not provided.

You may also choose to submit a duplicate copy of the petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable), even if the beneficiary is requesting a change of status to H-1B or an extension of stay, in case the beneficiary later decides to seek visa issuance abroad or the H-1B petition is approved but the beneficiary's concurrent change of status or extension of stay request is denied.

You may review the [Department of State website](#) to make sure that the consulate indicated on Form I-129 is able to process the beneficiary's nonimmigrant visa application and for any other consulate-specific special instructions.

## **Multiple or Duplicative Filings**

On March 19, 2008, USCIS announced an interim final rule on H-1Bs to prohibit employers from filing multiple or duplicative H-1B petitions for the same employee. To ensure fair and orderly distribution of available H-1Bs, USCIS will deny or revoke multiple or duplicative petitions filed by an employer for the same H-1B worker and will not refund the filing fees submitted with multiple or duplicative petitions.

## **Where to Mail Your H-1B Cap-Subject Petition**

You must file your petition at the correct Service Center depending on the jurisdiction of the H-1B beneficiary's work location(s) as specified in the petition. We have established specific mailing addresses for purposes of identification and processing of H-1B cap-subject cases.

To determine which jurisdiction you are in, see our Web page [Direct Filing Addresses for Form I-129, Petition for Nonimmigrant Worker](#).

Note: A separate mailing address has been established for certain types of educational or nonprofit organizations which file H-1B petitions on behalf of beneficiaries that are exempt from the H-1B numerical limitations.

Please read the filing instructions very carefully. If you file your petition incorrectly, we will reject the petition. Rejected petitions will not retain a filing date and will not be counted toward the H-1B cap.

## **Required Fees**

There are different fees depending on the type of H-1B petition you are submitting. Please refer to *H-1B Data Collection and Filing Fee Exemption Supplement* (pages 17-19 of Form I-129) for detailed instructions on fees.

The following fees may be required with a cap-subject petition:

Base filing fee:

- \$325

**American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee:**

(see *H-1B Data Collection and Filing Fee Exemption Supplement*, Part B):

- \$750 for employers with 1 to 25 full-time equivalent employees, unless exempt
- \$1,500 for employers with 26 or more full-time equivalent employees, unless exempt

**Fraud Prevention and Detection fee:**

- \$500 to be submitted with a request for initial H-1B status or with a request for a beneficiary already in H-1B status to change employers (does not apply to Chile/Singapore H-1B1 petitions)

**Public Law 111-230:**

- \$2,000 to be submitted by a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
- must be submitted with a request for initial H-1B status or a request for a beneficiary already in H-1B status to change employers

**Premium Processing fee:**

- \$1,225 for employers seeking Premium Processing Service

**Checks**

Make checks payable to the Department of Homeland Security, dated within the last 6 months, and include the proper guarantee amount and signature.

**Money Orders**

Money orders must be properly endorsed.

**Non-payable Checks or Other Financial Instruments**

USCIS will reject all applications or petitions submitted with the incorrect filing fee. Rejected petitions and petitions in which the check or other financial instrument used to pay the filing fee is returned as non-payable will not retain a filing date. See 8 CFR 103.2(a)(7)(i).

While petitioners are generally provided the opportunity to correct a fee deficiency, pursuant to the regulations, the filing date is not established until and

unless the fee deficiency has been corrected. H-1B cap-subject petitions with non-payable fees will be given a new filing date the day the fee deficiency has been corrected, as long as the cap has not been met. If the new filing date is after the cap has been met, the petition will be rejected.

## **Premium Processing Service**

H-1B petitions are eligible for the Premium Processing Service. Petitioners may choose to file a Request for Premium Processing Service (Form I-907) to have their petition processed within 15 calendar days. To request premium processing submit:

- the Form I-907 and
- the filing fee of \$1,225 (this fee is in addition to the required base filing and other applicable fees and cannot be waived).

You can file the Form I-907 and corresponding fee:

- at the same time as Form I-129 or
- at any time after you file Form I-129 while it is still pending.

If filed after the Form I-129, be sure to include the receipt number (e.g., EAC 12 123 51234) of the Form I-129 in the pertinent section of Form I-907.

Note: We will only accept the 08/10/09N (or later) edition of Form I-907.

Please see the link to the right for more information concerning the Premium Processing program.

## **Organizing your H-1B package**

Clearly label all H-1B cap cases, preferably in red ink, on the top margin of Form I-129. Use the following codes:

- Regular Cap (65,000 regular cap cases, not including Chile/Singapore cap cases)
- C/S Cap (Chile/Singapore H-1B1s)
- U.S. Master's (20,000 exemption for beneficiaries with U.S. master's or higher degrees)

A separate check for each applicable filing fee (Form I-129, Premium Processing, Fraud Fee, ACWIA fee, and Public Law 111-230) is preferred. Applicable fees should be stapled to the bottom right corner of the top document.

**Preferred order of documents at time of submission:**

- Form I-907 (if filing for Premium Processing Service)
- Form G-28 (if represented by an attorney or accredited representative)
- Form I-129, Petition for a Nonimmigrant Worker
- Addendums/Attachments
- H Classification Supplement to Form I-129 and/or Free Trade Supplement (for H-1B1 Chile-Singapore petitions)
- H-1B Data Collection and Filing Fee Exemption Supplement
- All supporting documentation to establish eligibility
- Provide a Table of Contents for supporting documentation
  - Tab items as listed in Table of Contents
  - Arrival-Departure Record (Form I-94) if the beneficiary is in the U.S.
  - SEVIS Form I-20 if the beneficiary is a current or former F-1 student or F-2 dependent
  - SEVIS Form DS-2019 if the beneficiary is a current or former J-1 or J-2
  - Form I-566 if the beneficiary is a current A or G nonimmigrant
  - DOL certified LCA, Form ETA 9035
  - Employer/attorney/representative letter(s); and
  - Other supporting documentation.
- Duplicate copy of the petition, if necessary. Clearly identify the duplicate copy of the petition as "COPY", so that it is not mistaken for a duplicate filing.

**How to mail multiple petitions together**

If multiple petitions will be included in the same courier service or Post Office package, please place individual petitions into separate envelopes within the package. Individual petition envelopes should be marked with the following labels to reference the type of petition:

- Master's Premium
- Master's
- Regular Premium
- Regular
- Chile/Singapore

## **Filing Tips:**

### **Form G-28, Notice of Entry of Appearance as Attorney or Representative**

If the petitioner will be represented by an attorney or other accredited representative, a properly executed Form G-28 should be submitted. Each Form G-28 should include the following:

- All sections completed
- The printed name and signature of the representative
- The original signature of the petitioner.

### **Form I-129, Petition for a Nonimmigrant Worker**

- Complete all sections of the form accurately.
- H-1B cap petitions and advanced degree exemption petitions for the FY15 cap must include an employment start date of no earlier than October 1, 2014, and no earlier than six months before the requested employment start date. H-1B petitions requesting an earlier employment start date or a start date of "As Soon As Possible" or "ASAP" will be rejected.
- Ensure that the petition is properly signed. Please see the Related Links section for more information on properly signing the petition.
- Petitioners should enter their own address in Part 1, question 3 of the Form I-129 to ensure that the I-797 receipt and approval notices are sent to the petitioner, and if applicable, the attorney/ representative.

Please note: Using an address other than the petitioner's address as the mailing address may cause processing delays related to the Validation Instrument for Business Enterprises (VIBE), as VIBE automatically uses the address provided on the petition to validate the petitioner's current location. If petitioners use an attorney's address as the mailing address on the I-129 petition, a cover letter should be included with the filing that clearly indicates the current address of the petitioner. This information will be used to assist the Immigration Services Officer (ISO) in completing a manual check in VIBE using the petitioner's address. In addition, if an attorney's address is used as the petitioner's mailing address on the form, the petitioner will not receive any I-797 notices.

- Ensure the beneficiary's name is spelled properly and that his/her date of birth is displayed in the proper format (mm/dd/yyyy). Also, country of birth/citizenship and the I-94 number (if applicable) should be reviewed for accuracy.

- If the beneficiary will ultimately be seeking issuance of a visa at a consular office abroad, a duplicate copy of the petition and supporting documentation should be included with the filing. For cases where the beneficiary will be seeking a change of status or extension of stay in the United States, you may still choose to submit a duplicate copy in the event the beneficiary will be seeking issuance of a visa at a consular office abroad subsequent to the approval of the change of status or extension of stay.
- If the beneficiary is seeking an extension or change of status, the petition should include evidence (e.g. Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.
- The petitioner should include a copy of the beneficiary's valid passport.

#### **H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- In listing previous periods of stay in H/L classification (question 3), please also include the actual nonimmigrant classification held (e.g. H-1B or L-1).
- Petitioner must sign the form, preferably in black ink.

#### **H-1B Data Collection and Filing Fee Supplement form (pages 17 through 19 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- Please enclose page 17 through 19 of the Form I-129 (with a revision date of November 23, 2010 or later).
- Be sure to answer appropriately in Part A, question 2 and Part C, question 2 if the beneficiary has earned a master's degree or higher from a U.S. educational institution as defined in 20 U.S.C. 1001(a).
- If the answer to the first question in Part D on page 19 is "No," that the beneficiary will not be assigned to work at an off-site location, then responses to the remaining two questions in Part D are not required.

#### **Form I-907, Request for Premium Processing**

- Please be sure to complete all sections of the form accurately with original signatures. Note: We will accept the 08/10/09 (or later) edition of Form I-907.
- The representative may sign in both Parts 3 and 4 of the Form I-907 if there is a valid Form G-28 with the filing. Otherwise, the petitioner's signature is required. Preferably, the signature(s) should be in black ink.
- Please include a copy of the Form I-129 receipt notice along with the Form I-907 when Form I-907 is filed after the filing of Form I-129.

## **USCIS Announcement Regarding Premium Processing for H-1B Cap-Subject Petitions**

The filing period for H-1B petitions subject to the fiscal year (FY) 2015 numerical cap begins on April 1, 2014. USCIS anticipates that it may receive more than 65,000 cap-subject H-1B petitions and more than 20,000 petitions filed on behalf of individuals with a U.S. master's degree or higher between April 1-7, 2014.

USCIS provides premium processing service for certain employment-based petitions and guarantees a 15-calendar-day processing time. Due to the historic premium processing receipt levels, combined with the possibility that the H-1B cap will be met in the first 5 business days of the filing season, USCIS has temporarily adjusted its current premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, and in accordance with 8 CFR 103.7(e)(3)(ii), USCIS is announcing that premium processing for cap-subject H-1B petitions, including H-1B petitions seeking an exemption from the fiscal year cap for individuals who have earned a U.S. master's degree or higher, will begin no later than April 28, 2014.

USCIS will continue to accept Form I-907, Request for Premium Processing Service, with fee, concurrently with the Form I-129, Petition for Nonimmigrant Worker, during the time period that premium processing is unavailable. Petitioners may also upgrade a pending H-1B cap petition to premium processing once a receipt notice is issued. All requests for premium processing for H-1B cap petitions will be adjudicated when premium processing begins no later than April 28, 2014.

While the Form I-797 receipt notice may indicate the date that the premium processing fee is received, the 15-day processing period set by 8 CFR 103.7(e)(2) will not begin any earlier than April 28, 2014. The 15-day processing period for premium processing service for H-1B petitions that are not subject to the cap, or for any other eligible classification, continues to begin on the date that the request is received.



# USCIS Update



## USCIS Reaches FY2015 H-1B Cap

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2015. USCIS has also received more than 20,000 H-1B petitions filed on behalf of persons exempt from the cap under the U. S. advanced degree exemption.

Before running the random selection process, USCIS will complete initial data entry for all filings received during the filing period ending on April 7, 2014. Due to the high number of petitions, USCIS is not yet able to announce the precise day on which it will conduct the random selection process.

USCIS will carry out the computer-generated random selection process for all cap-subject petitions received. USCIS will select the number of petitions needed to meet the caps of 65,000 for the general category and 20,000 under the advanced degree exemption limit. USCIS will reject, and return filing fees for all cap-subject petitions which are not randomly selected, unless found to be a duplicate filing.

The agency will conduct the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected will be part of the random selection process for the 65,000 limit.

USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Pursuant to the Immigrant and Nationality Act, petitions filed on behalf of current H-1B workers who have been counted previously against the cap will not be counted towards the congressionally-mandated FY 2015 H-1B cap. Accordingly, USCIS will continue to accept and process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the U.S.;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or practical application of a body of a highly specialized knowledge including, but not limited to: scientists, engineers, or computer programmers.

For more information on USCIS and its programs, please visit [www.uscis.gov](http://www.uscis.gov) or follow us on Twitter (@uscis), YouTube (/uscis) and the USCIS blog [The Beacon](#).

**Jaynes, Thomas A**

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**From:** Doumani, Stephanie M  
**Sent:** Friday, January 31, 2014 12:27 PM  
**To:** King, Alexander R  
**Subject:** FW: CAP results in 2008  
**Attachments:** FW: ADJ Capacity Report

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**From:** Peck, Denis R  
**Sent:** Friday, January 31, 2014 11:56 AM  
**To:** Sweeney, Shelly A; Aucoin, Lauren J; Doumani, Stephanie M; Tu, David J; Fedak, Orest S; Liang, Gwen  
**Cc:** Velarde, Barbara Q; Tynan, Natalie S  
**Subject:** CAP results in 2008

It's an interesting fact that the 2008 calendar coincides with 2014 and the volume we received that year, our heaviest, may well be close to what we get this year. For these reasons I think we can get some value from reviewing some of the data and emails of that year.

Here is the breakdown of the gross incoming they had. Jim Fitzsimmons used a smaller target of petitions to accept back then and his overall number was 95,000.

I also have this old message that may help in adjudicative planning.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

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**From:** Bushey, Sandra T  
**Sent:** Wednesday, April 09, 2008 12:30 PM  
**To:** Peck, Denis R; Prince, Rose M  
**Cc:** Novak, Paul E; Poulos, Christina ; Cummings, Kevin J; Williams, Carol L; Velarde, Barbara Q  
**Subject:** Preliminary analysis

Denis/Rose

I have done a quick analysis on the percentages of cases that were filed for H1B status at both Centers. The numbers I used were those submitted by Stanley, which reflect about 99% completion rate. The only cases left to be included in the VSC counts are those which are currently being reviewed by our Records employees. That number is very small and should not have much of an impact on the final counts.

These conclusions are based on the information that has been received to date:

<b>GRAND TOTAL of H1B petitions received:</b>	<b>162,713</b>		
TOTAL H1B petitions filed under Regular cap	131,436	or	81% of total filings
TOTAL H1B petitions filed under the Masters cap	31,277	or	19% of total filings

TOTAL H1B petitions filed asking for Premium Processing	28,915	or	18% of total filings
TOTAL H1B petition filed NOT asking for Premium Processing	133,798	or	82% of total filings

**BREAKDOWN ESTIMATES:**

<b>GRAND TOTAL OF H1B petitions received:</b>	<b>162,713</b>		
TOTAL Regular petitions	131,436		
RNG Selection estimate for Regular Cap	70,000	or	53% of Reg. filings
TOTAL Masters petitions	31,277		
RNG Selection estimate for Masters Cap	25,000	or	80% of Masters filings

**IF THE SAME LOGIC HOLDS TRUE WE CAN EXPECT TO RECEIVE:**

<ul style="list-style-type: none"> <li>▪ 34% of the Masters filings requested premium processing <ul style="list-style-type: none"> <li>○ 34% of the 25,000 RNG selections would be:</li> </ul> </li> </ul>	8,500
<ul style="list-style-type: none"> <li>▪ 18% of the Regular filings Requested premium processing <ul style="list-style-type: none"> <li>○ 14% of 70,000 RNG selections would be</li> </ul> </li> </ul>	9,800
<b>TOTAL OF ANTICIPATED PREMIUM CASES SELECTED</b>	<b>18,300</b>
<ul style="list-style-type: none"> <li>▪ ASSUMING THAT VSC WILL RECEIVE 2/3 OF THE CASEWORK</li> <li>▪ ASSUMING THAT CSC WILL RECEIVE 1/3 OF THE CASEWORK</li> </ul>	12,078 6,039

This information is only a preliminary estimate and a more accurate analysis will have to be conducted.

Sandi

**Jaynes, Thomas A**

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**From:** Doumani, Stephanie M  
**Sent:** Tuesday, March 18, 2014 2:58 PM  
**To:** Aucoin, Lauren J; Peck, Denis R; Bump, Micah N; Morgan, Carmen J; Dalal-Dheini, Sharvari P  
**Cc:** Sweeney, Shelly A; King, Alexander R  
**Subject:** Internal Cap Document: Revised Rejection Letter (Selected in RNG and Rejected for Improper Filing)  
**Attachments:** Letter - selected in RNG rejected for improper filing SCOPS UPDATE 3.18.2013.doc

Hello,

Attached to this email is the revised rejection letter template for petitions selected in the RNG that were improperly filed.

I removed option ten, which was for H-1B Chile/ Singapore Cap petitions filed with CSC. I believe going forward, the CSC will no longer reject these petitions and will send them directly to the VSC.

Please let me know if have any edits to the attached document by COB 3/20.

Thanks!  
Stephanie

Comment [LA1]: VSC: Please change letterhead.



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY15 closed on April 7, 2014.

1.  You submitted your I-129 H-1B petition/H1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2.  You did not include the H-1B Data Collection and Filing Fee Exemption/H-1 Supplement/Labor Condition Application (LCA) with your I-129 petition.
3.  The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4.  Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5.  Your I-129 was not properly signed.
6.  The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be
  - A. \$750.00 (ACWIA Fee for a company with 25 employees or less).
  - B. \$1,500.00 (ACWIA Fee for a company with 26 employees or more).
  - C. \$500.00 Fraud Prevention and Detection Fee.
  - D. \$325.00 I-129 base fee
  - E. \$2000.00 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
6.  The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
7.  Your I-129 petition subject to FY 15 cap must not have an employment date earlier than 10/01/2014.
78.  Incomplete petition. Page(s) \_\_\_\_\_ missing. Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_ missing incorrect/missing information.
89.  Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.
910.  ~~Your I-129 H-1B1 Chile/Singapore cap petition may only be filed at Vermont Service Center.~~
4011.  OTHER: \_\_\_\_\_

(b)(5)

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0.25" + Indent at: 0.25"

(b)(5)

Sincerely,

SERVICE CENTER DIRECTOR

DRAFT

## Jaynes, Thomas A

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**From:** Chong, Jenny  
**Sent:** Monday, February 03, 2014 4:38 PM  
**To:** Doumani, Stephanie M; Tamanaha, Emisa T; Nicholson, Richard E; Fries, Juliet M; Baltaretu, Cristina G; Fierro, Joseph  
**Cc:** Tynan, Natalie S; Peck, Denis R; Fedak, Orest S; Tu, David J; Liang, Gwen; Bacote, Robert R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R; Boyd-Butler, Jacqueline A; Westra, Michelle M  
**Subject:** RE: External Cap Documents  
**Attachments:** FW: External Cap Documents; USCIS Update (cap still open).doc; USCIS Update (cap season start).doc

Hi Stephanie,

Please see attached comments/suggestions. (in purple)  
No comments/edits on the other attachments.

Thank you.

Jenny Chong |Employment Branch/H-1B CNMI Section

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**From:** Doumani, Stephanie M  
**Sent:** Tuesday, January 28, 2014 2:10 PM  
**To:** Canney, Keith J; Tamanaha, Emisa T; Boudreau, Lynn A; Loughlin, Stephen J; Nicholson, Richard E; Fries, Juliet M; Ryan, Carrie A; Lussier, Marcy R; Larose, Ronald W; Whittier, Michelle J; Chong, Jenny; Baltaretu, Cristina G; Fierro, Joseph  
**Cc:** Tynan, Natalie S; Peck, Denis R; Fedak, Orest S; Tu, David J; Liang, Gwen; Bacote, Robert R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R; Boyd-Butler, Jacqueline A; Westra, Michelle M  
**Subject:** External Cap Documents

VSC and CSC

In addition to the internal cap documents we sent yesterday, we have also attached copies of external cap documents for your review. We again request that each service center edit the documents using the "Track Changes" feature in word and consolidate the edits/ comments on to one version for each document.

If possible, we would like to receive these documents by COB 2/3.

If you have any questions or concerns, please let us know.

Thank you.

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk

BB

(b)(6)



**Jaynes, Thomas A**

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**From:** Tamanaha, Emisa T  
**Sent:** Tuesday, January 28, 2014 4:31 PM  
**To:** Chong, Jenny; Fries, Juliet M  
**Cc:** Baltaretu, Cristina G; Fierro, Joseph; Nicholson, Richard E  
**Subject:** FW: External Cap Documents  
**Attachments:** FY15 Optional Checklist.doc; FY15 Cap Count Webpage.docm; USCIS Update (cap season start).doc; USCIS Update (cap still open).doc; USCIS Update (H-1B cap Met).doc

Jenny – Again, please take the lead on this one also and send the consolidated response to SCOPS by the due date noted below.

Juliet – If you team has any input, please send the comments/edits in track changes to Jenny by COB 1/30/14 (Thursday) along with the internal CAP documents that were circulated earlier.

Thank you,  
Emisa

---

**From:** Doumani, Stephanie M  
**Sent:** Tuesday, January 28, 2014 2:10 PM  
**To:** Canney, Keith J; Tamanaha, Emisa T; Boudreau, Lynn A; Loughlin, Stephen J; Nicholson, Richard E; Fries, Juliet M; Ryan, Carrie A; Lussier, Marcy R; Larose, Ronald W; Whittier, Michelle J; Chong, Jenny; Baltaretu, Cristina G; Fierro, Joseph  
**Cc:** Tynan, Natalie S; Peck, Denis R; Fedak, Orest S; Tu, David J; Liang, Gwen; Bacote, Robert R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R; Boyd-Butler, Jacqueline A; Westra, Michelle M  
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If you have any questions or concerns, please let us know.

Thank you.

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk (b)(6)  
  
[stephanie.m.doumani@uscis.dhs.gov](mailto:stephanie.m.doumani@uscis.dhs.gov)

## Optional Checklist for Form I-129 H-1B Filings

*This is an optional checklist to assist FY 2015 H-1B petitioners submit an I-129 H-1B petition.*

*Do not submit this checklist to USCIS.*

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All checks or money orders are signed and made payable to the "U.S. Department of Homeland Security." If the petition is submitted with the wrong filing fee, it will be rejected as improperly filed. **If one or more of the required checks are returned due to insufficient filing fees, the H-1B petition will be rejected and will NOT retain the original filing date.** H-1B cap petitions with insufficient filing fees will be given a new filing date on the day the fee deficiency is corrected, as long as the cap has not been met. If the new filing date is after the numerical cap has been met, the petition will be rejected.

---

Proper fees are enclosed:

- Base fee of **\$325**
- ACWIA fee of **\$750/\$1,500** (if/as applicable)
- Fraud Prevention and Detection fee of **\$500** (if applicable)
- Public Law 111-230 fee of **\$2,000** (if applicable)
- Premium Processing Service fee of **\$1,225** (if applicable)

---

Petition includes original signatures (preferably in black ink) on **Pages 6, 7, 10** (if applicable) and **12** of Form I-129 (with a revision date of 11/23/10 or later).

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All sections of the Form I-129, H-Classification Supplement to Form I-129, and H-1B Data Collection and Filing Fee Exemption Supplement (with revision date of 11/23/10 or later) are completed and all required pages are enclosed.

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Form I-907 (with revision date of 8/10/09 or later) is completed, signed in the original, and enclosed if seeking Premium Processing Service.

---

A corresponding certified Department of Labor (DOL) Labor Condition Application (LCA) is signed by petitioner and enclosed.

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Petition is being mailed with appropriate labels to the California Service Center (CSC) or Vermont Service Center (VSC) consistent with filing jurisdictions and instructions listed at [www.uscis.gov](http://www.uscis.gov).

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Discretionary Release

All questions on Form I-129, H-1B Data Collection and Filing Fee Exemption Supplement (with a revision date of 11/23/10 or later), **Pages 17 through 19**, (particularly those in **Part C**) are answered correctly.

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**H-1B Regular Cap**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Includes current H-1Bs that were previously cap exempt and are now seeking to change to cap-subject employment.
  3. Check the box for **1a** on **Part C** of **Page 18**.
- 

**H-1B Advanced Degree Exemption**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary has earned a master's (or higher) degree from a U.S. educational institution.
  3. Check the box for **1b** on **Part C** of **Page 18** and complete **Question 2, Part C** on **Page 18**.
- 

**Chile/Singapore H-1B1 Cap**

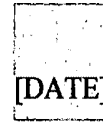
1. Requested start date for a FY 2015 H-1B1 must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary is a national of Chile or Singapore.
  3. Check the box for **1c** on **Part C** of **Page 18**.
  4. Complete and submit **Page 10**, Trade Agreement Supplement to Form I-129.
- 

**H-1B Cap-Exempt or Non-Cap H-1B Extension of Stay**

1. If the petitioner is cap exempt or otherwise not cap-subject, check the box for **1d** on **Part C** of **Page 18** and complete **Question 3, Part C** on **Pages 18 and 19**.
  2. Includes current H-1Bs that were previously counted towards the cap.
  3. Includes amended petitions where the petitioner is seeking to notify USCIS of changes to employment conditions of a current H-1B beneficiary.
-



# USCIS Update



## USCIS Reaches FY2015 H-1B Cap

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2015. USCIS has also received more than 20,000 H-1B petitions filed on behalf of persons exempt from the cap under the advanced degree exemption.

Before running the random selection process, USCIS will complete initial data entry for all filings received during the filing period ending on April 7, 2014. Due to the high number of petitions, USCIS is not yet able to announce the precise day on which it will conduct the random selection process.

USCIS will carry out the computer-generated random selection process for all cap-subject petitions received. USCIS will select the number of petitions needed to meet the caps of 65,000 for the general category and 20,000 under the advanced degree exemption limit. USCIS will reject, and return filing fees for all cap-subject petitions which are not randomly selected, unless found to be a duplicate filing.

The agency will conduct the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected will be part of the random selection process for the 65,000 limit.

USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Pursuant to the Immigrant and Nationality Act, petitions filed on behalf of current H-1B workers who have been counted previously against the cap will not be counted towards the congressionally-mandated FY 2015 H-1B cap. Accordingly, USCIS will continue to accept and process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the U.S.;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields including, but not limited to: scientists, engineers, or computer programmers.

For more information on USCIS and its programs, please visit [www.uscis.gov](http://www.uscis.gov) or follow us on Twitter (@uscis), YouTube ([uscis](https://www.youtube.com/user/uscis)) and the USCIS blog *The Beacon*.

# H-1B Fiscal Year (FY) 2015 Cap Season

## The H-1B Program

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including but not limited to: scientists, engineers, or computer programmers.

For more information about the H-1B program, see the link to the left under temporary workers for H-1B Specialty Occupations and Fashion Models.

## How USCIS Determines if an H-1B Petition is Subject to the FY 2015 Cap

We use the information provided in Part C of the H-1B Data Collection and Filing Fee Exemption Supplement (Form I-129, pages 17 through 19, with a revision date of November 23, 2010, or later) to determine whether a petition is subject to the 65,000 H-1B numerical limitation (the "cap"). Some petitions are exempt from the cap under the advanced degree exemption provided to the first 20,000 petitions filed for a beneficiary who has obtained a U.S. master's degree or higher. Unless otherwise exempt from the cap, petitions filed on behalf of beneficiaries who have obtained a U.S. master's degree or higher will be counted against the regular cap once USCIS has received sufficient petitions to reach the advanced degree exemption.

## FY 2015 H-1B Cap Count

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000		
H-1B Master's Exemption	20,000		

## Cap Eligible Petitions

This is the number of petitions that USCIS has accepted for this particular type of cap. It includes cases that have been approved or are still pending. It does not include petitions that have been denied.

## Cap Amounts

The current annual cap on the H-1B category is 65,000. Not all H-1B nonimmigrants are subject to this annual cap. Please note that up to 6,800 visas are set aside from the cap of 65,000 during each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Unused numbers in this pool are made available for H-1B use for the next fiscal year.

## When to File an FY 2015 H-1B Cap-Subject Petition

We will begin accepting H-1B petitions that are subject to the FY 2015 cap on April 1, 2014. You may file an H-1B petition no more than 6 months in advance of the requested start date.

## How to Ensure USCIS Considers Your H-1B Cap-Subject Petition Properly Filed

Please comply with the following to ensure that your petition is properly filed:

- Complete all sections of the Form I-129 petition, including the H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129) and the H-1B Data Collection and Filing Fee Exemption Supplement (pages 17 through 19). We accept Form I-129 with a revision date of November 23, 2010, or later.
- Original signatures, preferably in black ink, are required on each form.
- Include a signed check or money order with the correct fee amount.
- Ensure that all required documentation and evidence is submitted with the petition at the time of filing to ensure timely processing.

**Note:** It is your responsibility to ensure that Form I-129 is completed accurately. Failure to complete Form I-129 with the correct information and provide the required fees or documentation may result in the rejection or denial of the H-1B petition.

Additionally, be sure to file the petition at the correct USCIS Service Center. See section below on **"Where to Mail Your H-1B Cap-Subject Petition."**

## **Additional Documents Required With Your Petition**

### **Labor Condition Application (LCA)**

You must submit a certified Department of Labor (DOL) LCA (Form ETA 9035) at the time of filing your petition. A copy of the LCA is acceptable.

Note: USCIS encourages petitioners to keep DOL LCA processing times in mind when preparing the H-1B petition and plan accordingly. If the LCA certified by DOL is for multiple positions, you must provide the name and USCIS case receipt number of any alien who has previously utilized the LCA.

Petitioners should be sure to sign the LCA prior to submitting it with the petition to USCIS.

Please see Department of Labor's [Office of Foreign Labor Certification](#) website for further information on the LCA process.

### **Evidence of Beneficiary's Educational Background**

You must submit evidence of the beneficiary's education credentials at the time of filing. If all of the requirements for the degree have been met, but the degree has not yet been awarded, the following alternate evidence may be submitted:

- A copy of the beneficiary's final transcript; or
- A letter from the Registrar confirming that all of the degree requirements have been met (if the educational institution does not have a Registrar, such letter must be signed by the person in charge of the educational records where the degree will be awarded).

If you are indicating that the beneficiary is qualified based on a combination of education and experience, please provide substantiating evidence at time of filing.

### **A Duplicate Copy of the H-1B Petition**

You must submit a duplicate copy of your H-1B petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable) if the beneficiary will be applying for a nonimmigrant visa abroad. USCIS will not make a second copy if one is not provided.

You may also choose to submit a duplicate copy of the petition any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable), even if the beneficiary is requesting a change of status to H-1B or an extension of stay, in case the beneficiary later decides to seek visa issuance

abroad or the H-1B petition is approved but the beneficiary's concurrent change of status or extension of stay request is denied.

You may review the Department of State website to make sure that the consulate indicated on Form I-129 is able to process the beneficiary's nonimmigrant visa application and for any other consulate-specific special instructions.

## **Multiple or Duplicative Filings**

On March 19, 2008, USCIS announced an interim final rule on H-1Bs to prohibit employers from filing multiple or duplicative H-1B petitions for the same employee. To ensure fair and orderly distribution of available H-1Bs, USCIS will deny or revoke multiple or duplicative petitions filed by an employer for the same H-1B worker and will not refund the filing fees submitted with multiple or duplicative petitions.

## **Where to Mail Your H-1B Cap-Subject Petition**

You must file your petition at the correct Service Center depending on the jurisdiction of the H-1B beneficiary's work location(s) as specified in the petition. We have established specific mailing addresses for purposes of identification and processing of H-1B cap-subject cases.

To determine which jurisdiction you are in, see our Web page [Direct Filing Addresses for Form I-129, Petition for Nonimmigrant Worker](#).

Note: A separate mailing address has been established for certain types of educational or nonprofit organizations which file H-1B petitions on behalf of beneficiaries that are exempt from the H-1B numerical limitations.

Please read the filing instructions very carefully. If you file your petition incorrectly, we will reject the petition. Rejected petitions will not retain a filing date and will not be counted toward the H-1B cap.

## **Required Fees**

There are different fees depending on the type of H-1B petition you are submitting. Please refer to *H-1B Data Collection and Filing Fee Exemption Supplement* (pages 17-19 of Form I-129) for detailed instructions on fees.

The following fees may be required with a cap-subject petition:

Base filing fee:

- \$325

**American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee:**

(see *H-1B Data Collection and Filing Fee Exemption Supplement, Part B*):

- \$750 for employers with 1 to 25 full-time equivalent employees, unless exempt
- \$1,500 for employers with 26 or more full-time equivalent employees, unless exempt

**Fraud Prevention and Detection fee:**

- \$500 to be submitted with a request for initial H-1B status or with a request for a beneficiary already in H-1B status to change employers (does not apply to Chile/Singapore H-1B1 petitions)

**Public Law 111-230:**

- \$2,000 to be submitted by a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
- must be submitted with a request for initial H-1B status or a request for a beneficiary already in H-1B status to change employers

**Premium Processing fee:**

- \$1,225 for employers seeking Premium Processing Service

**Checks**

Make checks payable to the Department of Homeland Security or U.S. Citizenship and Immigration Services, dated within the last 6-months, and include the proper guarantee amount and signature.

**Money Orders**

Money orders must be properly endorsed.

**Non-payable Checks or Other Financial Instruments**

USCIS will reject all applications or petitions submitted with the incorrect filing fee. Rejected petitions and petitions in which the check or other financial instrument used to pay the filing fee is returned as non-payable will not retain a filing date. See 8 CFR 103.2(a)(7)(i).

While petitioners are generally provided the opportunity to correct a fee deficiency, pursuant to the regulations, the filing date is not established until and unless the fee deficiency has been corrected. H-1B cap-subject petitions with non-payable fees will be given a new filing date the day the fee deficiency has

been corrected, as long as the cap has not been met. If the new filing date is after the cap has been met, the petition will be rejected.

## **Premium Processing Service**

H-1B petitions are eligible for the Premium Processing Service. Petitioners may choose to file a Request for Premium Processing Service (Form I-907) to have their petition processed within 15 calendar days. To request premium processing submit:

- the Form I-907 and
- the filing fee of \$1,225 (this fee is in addition to the required base filing and other applicable fees and cannot be waived).

You can file the Form I-907 and corresponding fee:

- at the same time as Form I-129 or
- at any time after you file Form I-129 while it is still pending.

If filed after the Form I-129, be sure to include the receipt number (e.g., EAC 12 123 51234) of the Form I-129 in the pertinent section of Form I-907.

Note: We will only accept the 08/10/09N (or later) edition of Form I-907.

Please see the link to the right for more information concerning the Premium Processing program.

## **Organizing your H-1B package**

Clearly label all H-1B cap cases, preferably in red ink, on the top margin of Form I-129. Use the following codes:

- Regular Cap (65,000 regular cap cases, not including Chile/Singapore cap cases)
- C/S Cap (Chile/Singapore H-1B1s)
- U.S. Master's (20,000 exemption for beneficiaries with U.S. master's or higher degrees)

A separate check for each applicable filing fee (Form I-129, Premium Processing, Fraud Fee, ACWIA fee, and Public Law 111-230) is preferred. Applicable fees should be stapled to the bottom right corner of the top document.

**Preferred order of documents at time of submission:**

- Form I-907 (if filing for Premium Processing Service)
- Form G-28 (if represented by an attorney or accredited representative)
- Form I-129, Petition for a Nonimmigrant Worker
- Addendums/Attachments
- H Classification Supplement to Form I-129 and/or Free Trade Supplement (for H-1B1 Chile-Singapore petitions)
- H-1B Data Collection and Filing Fee Exemption Supplement
- All supporting documentation to establish eligibility
- Provide a Table of Contents for supporting documentation
  - Tab items as listed in Table of Contents
  - Arrival-Departure Record (Form I-94) if the beneficiary is in the U.S.
  - SEVIS Form I-20 if the beneficiary is a current or former F-1 student or F-2 dependent
  - SEVIS Form DS-2019 if the beneficiary is a current or former J-1 or J-2
  - Form I-566 if the beneficiary is a current A or G nonimmigrant
  - DOL certified LCA, Form ETA 9035
  - Employer/attorney/representative letter(s); and
  - Other supporting documentation.
- Duplicate copy of the petition, if necessary. Clearly identify the duplicate copy of the petition as "COPY", so that it is not mistaken for a duplicate filing.

**How to mail multiple petitions together**

If multiple petitions will be included in the same courier service or Post Office package, please place individual petitions into separate envelopes within the package. Individual petition envelopes should be marked with the following labels to reference the type of petition:

- Master's Premium
- Master's
- Regular Premium
- Regular
- Chile/Singapore

## **Filing Tips:**

### **Form G-28, Notice of Entry of Appearance as Attorney or Representative**

If the petitioner will be represented by an attorney or other accredited representative, a properly executed Form G-28 should be submitted. Each Form G-28 should include the following:

- All sections completed
- The printed name and signature of the representative
- The original signature of the petitioner.

### **Form I-129, Petition for a Nonimmigrant Worker**

- Complete all sections of the form accurately.
- H-1B cap petitions and advanced degree exemption petitions for the FY15 cap must include an employment start date of no earlier than October 1, 2015. H-1B petitions requesting an earlier employment start date or a start date of "As Soon As Possible" or "ASAP" will be rejected.
- Ensure that the petition is properly signed. Please see the Related Links section for more information on properly signing the petition.
- Petitioners should enter their own address in Part 1, question 3 of the Form I-129 to ensure that the I-797 receipt and approval notices are sent to the petitioner.

Please note: Using an address other than the petitioner's address as the mailing address may cause processing delays related to the Validation Instrument for Business Enterprises (VIBE), as VIBE automatically uses the address provided on the petition to validate the petitioner's current location. If petitioners use an attorney's address as the mailing address on the I-129 petition, a cover letter should be included with the filing that clearly indicates the current address of the petitioner. This information will be used to assist the Immigration Services Officer (ISO) in completing a manual check in VIBE using the petitioner's address. In addition, if an attorney's address is used as the petitioner's mailing address on the form, the petitioner will not receive any I-797 notices.

- Ensure the beneficiary's name is spelled properly and that his/her date of birth is displayed in the proper format (mm/dd/yyyy). Also, country of birth/citizenship and the I-94 number (if applicable) should be reviewed for accuracy.

- If the beneficiary will ultimately be seeking issuance of a visa at a consular office abroad, a copy of the petition and supporting documentation should be included with the filing. For cases where the beneficiary will be seeking a change of status or extension of stay in the United States, you may still choose to submit a duplicate copy in the event the beneficiary will be seeking issuance of a visa at a consular office abroad subsequent to the approval of the change of status or extension of stay is suggested, but not necessary.
- If the beneficiary is seeking an extension or change of status, the petition should include evidence (e.g. Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.
- Include a copy of the beneficiary's valid passport.

#### **H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- In listing previous periods of stay in H/L classification (question 3), please also include the actual nonimmigrant classification held (e.g. H-1B or L-1).
- Petitioner must sign the form, preferably in black ink.

#### **H-1B Data Collection and Filing Fee Supplement form (pages 17 through 19 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- Please enclose page 17 through 19 of the Form I-129 (with a revision date of November 23, 2010 or later).
- Be sure to answer appropriately in Part A, question 2 and Part C, question 2 if the beneficiary has earned a master's degree or higher from a U.S. educational institution as defined in 20 U.S.C. 1001(a).
- If the answer to the first question in Part D on page 19 is "No," that the beneficiary will not be assigned to work at an off-site location, then responses to the remaining two questions in Part D are not required.

#### **Form I-907, Request for Premium Processing**

- Please be sure to complete all sections of the form accurately with original signatures. Note: We will accept the 08/10/09 edition of Form I-907 (or later).
- The representative may sign in both Parts 3 and 4 of the Form I-907 if there is a valid Form G-28 with the filing. Otherwise, the petitioner's signature is required. Preferably, the signature(s) should be in black ink.
- Please include a copy of the Form I-129 receipt notice along with the Form I-907 when Form I-907 is filed after the filing of Form I-129.



# USCIS Update



## **USCIS to Accept H-1B Petitions for Fiscal Year 2015 Beginning April 1, 2014** *Petitioners are Reminded to Follow Regulatory Requirements*

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) announced today that it will begin accepting H-1B petitions subject to the Fiscal Year (FY) 2015 cap on Monday April 1, 2014. Cases will be considered accepted on the date that USCIS takes possession of a properly filed petition with the correct fee. USCIS will not rely upon the date that the petition is postmarked.

The numerical limitation on H-1B petitions for FY 2015 continues to be 65,000. Additionally, the first 20,000 H-1B petitions filed on behalf of individuals who have earned a U.S. master's degree or higher are exempt from the fiscal year cap.

USCIS will monitor the number of petitions received and will notify the public of the date on which USCIS received the necessary number of petitions to meet the H-1B cap. If needed, USCIS will randomly select the number of petitions required to reach the numerical limit from the petitions received on the final receipt date. USCIS will reject cap-subject petitions that are not selected, as well as those received after the final receipt date.

Petitions for new H-1B employment are exempt from the annual cap if the beneficiaries will work at institutions of higher education or related or affiliated nonprofit entities, nonprofit research organizations or governmental research organizations. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Marianas Islands are exempt from the cap until December 31, 2014. Employers may continue to file petitions for these cap-exempt H-1B categories seeking work dates starting in FY 2014.

Petitions filed on behalf of current H-1B workers who have been counted previously against the cap also do not count towards the congressionally mandated H-1B cap. Accordingly, USCIS will continue to process FY 2014 petitions filed to:

- extend the amount of time a current H-1B worker may remain in the United States;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; or
- allow current H-1B workers to work concurrently in a second H-1B position.

H-1B petitioners should follow all statutory and regulatory requirements as they prepare petitions to avoid delays in processing and possible requests for evidence. USCIS has developed detailed information, including a processing worksheet, to assist in the completion and submission of a FY2015 H-1B petition, which can be found on our website.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including, but not limited to: scientists, engineers, or computer programmers.

For more information on the H-1B nonimmigrant visa program and current Form I-129 processing times, visit [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at (800) 375-5283.

- USCIS -



Office of Communications  
U.S. Citizenship  
and Immigration  
Services

# USCIS Update

[DATE]

## USCIS Continues to Accept FY 2015 H-1B Petitions

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) today announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2015 cap. The agency began accepting these petitions on April 1, 2014.

USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. master's degree or higher cap exemption.

USCIS has received approximately (XXXXX) H-1B petitions counting toward the 65,000 cap, and approximately (XXXX) petitions toward the 20,000 cap exemption for individuals with advanced degrees.

Comment [LA1]: To be inserted prior to release of the update.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise. Such workers include scientists, engineers, and computer programmers, among others.

USCIS will provide regular updates on the processing of FY 2015 H-1B petitions. These updates and helpful filing information can be found at USCIS's website highlighting the H-1B program. Should USCIS receive the number of petitions needed to meet the cap it will issue an update advising the public that the FY 2015 H-1B cap has been met as of a certain date, known as the "final receipt date."

The date USCIS informs the public that the cap has been reached may differ from the actual final receipt date.

If necessary, USCIS may randomly select the number of petitions received on the final receipt date that will be considered for final inclusion within the cap. The agency will reject petitions subject to the cap that are not selected, as well as those received after the final receipt date. Whether a petition is received by the final receipt date will be based on the date USCIS physically receives the properly filed petition, not the date that the petition was postmarked.

Cases for premium processing (faster processing of certain employment-based petitions and applications) of H-1B petitions filed during an initial five-day filing window are undergoing a 15-day processing period that began April [insert date]. For all other H-1B petitions filed for premium processing, the processing period begins on the date that the properly filed petition is physically received at the correct USCIS Service Center.

Meanwhile, petitions filed by employers who are exempt from the cap, as well as petitions filed on behalf of current H-1B workers who have been counted previously against the cap within the past six years, will not count toward the cap.

For more information on USCIS and its programs, visit [www.uscis.gov](http://www.uscis.gov).

- USCIS -

Office of Communications



U.S. Citizenship and Immigration Services

# USCIS Update

[DATE]

## USCIS Continues to Accept FY 2015 H-1B Petitions

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) today announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2015 cap. The agency began accepting these petitions on April 1, 2014.

USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. master's degree or higher cap exemption.

USCIS has received approximately (XXXXXX) H-1B petitions counting toward the 65,000 cap, and approximately (XXXX) petitions toward the 20,000 cap exemption for individuals with advanced degrees.

Comment [LA1]: To be inserted prior to release of the update.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise. Such workers include scientists, engineers, and computer programmers, among others.

Comment [U2]: Including but not limited to:

USCIS will provide regular updates on the processing of FY 2015 H-1B petitions. These updates and helpful filing information can be found at USCIS's website highlighting the H-1B program. Should USCIS receive the number of petitions needed to meet the cap, it will issue an update advising the public that the FY 2015 H-1B cap has been met as of a certain date, known as the "final receipt date."

The date USCIS informs the public that the cap has been reached may differ from the actual final receipt date.

If necessary, USCIS may randomly select the number of petitions received on the final receipt date that will be considered for final inclusion within the cap. The agency will reject petitions subject to the cap that are not selected, as well as those received after the final receipt date. Whether a petition is received by the final receipt date will be based on the date USCIS physically receives the properly filed petition, not the date that the petition was postmarked.

Cases for premium processing (faster processing of certain employment-based petitions and applications) of H-1B petitions filed during an initial five-day filing window are undergoing a 15-day processing period that began April [insert date]. For all other H-1B petitions filed for premium processing, the processing period begins on the date that the properly filed petition is physically received at the correct USCIS Service Center.

Meanwhile, petitions filed by employers who are exempt from the cap, as well as petitions filed on behalf of current H-1B workers who have been counted previously against the cap within the past six years, will not count toward the cap.

For more information on USCIS and its programs, visit [www.uscis.gov](http://www.uscis.gov).

- USCIS -



U.S. Citizenship  
and Immigration  
Services

Office of Communications

# USCIS Update



## USCIS to Accept H-1B Petitions for Fiscal Year 2015 Beginning April 1, 2014 *Petitioners are Reminded to Follow Regulatory Requirements*

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it will begin accepting H-1B petitions subject to the Fiscal Year (FY) 2015 cap on Monday April 1, 2014. Cases will be considered accepted on the date that USCIS takes possession of a properly filed petition with the correct fee. USCIS will not rely upon the date that the petition is postmarked.

Comment [U1]: Tuesday

The numerical limitation on H-1B petitions for FY 2015 continues to be 65,000. Additionally, the first 20,000 H-1B petitions filed on behalf of individuals who have earned a U.S. master's degree or higher are exempt from the fiscal year cap.

USCIS will monitor the number of petitions received and will notify the public of the date on which USCIS received the necessary number of petitions to meet the H-1B cap. If needed, USCIS will randomly select the number of petitions required to reach the numerical limit from the petitions received on the final receipt date. USCIS will reject cap-subject petitions that are not selected, as well as those received after the final receipt date.

Petitions for new H-1B employment are exempt from the annual cap if the beneficiaries will work at institutions of higher education or related or affiliated nonprofit entities, nonprofit research organizations or governmental research organizations. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Marianas Islands are exempt from the cap until December 31, 2014. Employers may continue to file petitions for these cap-exempt H-1B categories seeking work dates starting in FY 2014.

Petitions filed on behalf of current H-1B workers who have been counted previously against the cap also do not count towards the congressionally mandated H-1B cap. Accordingly, USCIS will continue to process FY 2014 petitions filed to:

- extend the amount of time a current H-1B worker may remain in the United States;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; or
- allow current H-1B workers to work concurrently in a second H-1B position.

H-1B petitioners should follow all statutory and regulatory requirements as they prepare petitions to avoid delays in processing and possible requests for evidence. USCIS has developed detailed information, including a processing worksheet, to assist in the completion and submission of a FY2015 H-1B petition, which can be found on our website.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including, but not limited to: scientists, engineers, or computer programmers.

For more information on the H-1B nonimmigrant visa program and current Form I-129 processing times, visit [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at (800) 375-5283.

- USCIS -

**Jaynes, Thomas A**

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**From:** Liang, Gwen  
**Sent:** Tuesday, April 01, 2014 1:20 PM  
**To:** Sweeney, Shelly A; Aucoin, Lauren J; Peck, Denis R  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

I have two sets of FY15 H1B Cap target numbers as inserted into email text (March 28, 2014 3:47 PM ) below in purple text.

I have factored in the non-data entered rejects and non-fraud revocations.  
As of now, it seems we have a lot approvals over the cap limit for FY14 H1B.

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

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**From:** Sweeney, Shelly A  
**Sent:** Monday, March 31, 2014 9:38 AM  
**To:** Liang, Gwen; Aucoin, Lauren J; Peck, Denis R  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Do not include those in either of the cap target calculations.

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**From:** Liang, Gwen  
**Sent:** Monday, March 31, 2014 8:46 AM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Lauren,  
Thanks! Your instructions only cover WAC13 or WAC13 receipts.  
How about the 1,442 WAC14 or EAC14 receipts without MAS or REG code (email dated 3/28)?

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

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**From:** Aucoin, Lauren J  
**Sent:** Friday, March 28, 2014 3:47 PM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A

**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Hi Gwen,

Can you please run two sets of data as follows and let us know what the difference in the target number is:

- 1) 189 (on 4/8/2013) – count as cap  
131 (before 4/8/2013) – count as cap  
2,397 (after 4/8/2013) – do not count as cap

**FY15 Cap Target (1): 95,000 barcode receipts**

FY14 receipts: 101,203

FY14 denials: 9,665

FY14 Approvals: 89,070

FY14 Non-fraud revocations: 3,167 (cap count)

**FY14 total approvals: 92,237**

- 2) 189 (on 4/8/2013) – count as cap  
131 (before 4/8/2013) – count as cap  
2,397 (after 4/8/2013) – count as cap

**FY15 Cap Target (2): 93,000 barcode receipts**

FY14 receipts: 98,806

FY14 denials: 9,546

FY14 Approvals: 88,330

FY14 Non-fraud revocations: 3,088 (cap count)

**FY14 total approvals: 91,418**

Thanks,

Lauren

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**From:** Liang, Gwen

**Sent:** Friday, March 28, 2014 2:53 PM

**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A

**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R

**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Please see the answer inserted below:

***Gwen Liang***

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

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**From:** Liang, Gwen

**Sent:** Friday, March 28, 2014 1:57 PM

**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Just to confirm your request:

For cap cases that do not have 'MAS', 'REG' codes and the starting 5 characters in the receipt\_numbers are 'WAC13' and 'EAC13', you need the following output:

1. Filing date range (i.e. the earlier filing date and the last filing date) - **20130401 - 20131009**
2. Separate counts of receipts filed on, before, and after 4/8/13? -  
**189 (on 4/8/2013)**  
**131 (before 4/8/2013)**  
**2,397 (after 4/8/2013)**

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

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**From:** Aucoin, Lauren J  
**Sent:** Friday, March 28, 2014 1:02 PM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

The FY14 petitions will have EAC13 and WAC13 receipt numbers because that was the fiscal year when they were data entered.

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**From:** Liang, Gwen  
**Sent:** Friday, March 28, 2014 11:45 AM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Sorry! I am confused. Could you clarify 'the remaining WAC13 and EAC13 petitions'? I thought we were talking about FY14.

Second question: What are the mailroom date ranges for the remaining WAC13 and EAC13 petitions that do not include MAS or REG? How many were filed on 4/8/13, before 4/18/13, or after 4/8/13?

*Gwen Liang*

Management and Program Analyst

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**From:** Liang, Gwen  
**Sent:** Friday, March 28, 2014 11:41 AM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Yes. These includes all cap cases collected with ASSOC\_RECEIPT\_NUMBER field either blank or entry other than 'MAS' or 'REG'.

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

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**From:** Aucoin, Lauren J  
**Sent:** Friday, March 28, 2014 11:38 AM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Just to confirm, 1,442 petitions had WAC14 or EAC14 receipts?

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**From:** Liang, Gwen  
**Sent:** Friday, March 28, 2014 11:34 AM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Counts of receipt\_number string (the first 5 characters): WAC14 or EAC14:

1,215 (Entry - other than MAS or REG)

227 (Blank)

1,442 (total)

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

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**From:** Aucoin, Lauren J  
**Sent:** Friday, March 28, 2014 11:14 AM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Gwen,

How many of the 881 and 3,278 have WAC14 or EAC14 receipt dates?

Thanks,

Lauren

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**From:** Liang, Gwen  
**Sent:** Friday, March 28, 2014 10:31 AM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Lauren,

I have another statistics to report before I finalize the target. I did a count of FY14 cap cases that do not have the 3-digit code, 'MAS' or 'REG', in ASSOC-RECEIPT\_NUMBER field.

Total cap cases without valid 3-digit code: 4,159. See breakdown counts below: (b)(6)

881 were left blank

3,278 cases were entered with something else other than 'MAS' or 'REG'. See the following 5 sample rows:

RECEIPT NUMBER	ASSOC RECEIPT NUMBER	CLASS PREFERENCE	FILE DATE	BEN VALID I
[Redacted content]				

Do you want me to remove those cap cases without the 3-digit code, 'MAS' or 'REG' in ASSOC-RECEIPT\_NUMBER field, all 4,159 receipts?

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

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**From:** Aucoin, Lauren J  
**Sent:** Thursday, March 27, 2014 1:30 PM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** Re: FY14 H1B CAP cases Filing Date (mailroom date) questions

Hi Gwen,

By "sort" I mean separate counts based on approvals (including revocations not based on fraud) and denials.

Thanks!

Lauren

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**From:** Liang, Gwen  
**Sent:** Thursday, March 27, 2014 01:27 PM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Lauren,

Thank you! I get the part of totaling the Cap filing. But I don't get the 'sort' part. Do you want separate lists of receipt\_number based on approvals (including revocations not for fraud) and denials or do you only want counts?

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

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**From:** Aucoin, Lauren J  
**Sent:** Thursday, March 27, 2014 1:17 PM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Gwen,

Thank you. Shelly, Stephanie, Alex, and I just discussed. Can you please add the 108 and 515 cases into the pot along with the cap petitions with the 4/8 date? Please then total these figures with the 4/8 cap filings, and sort based on approvals (including revocations not for fraud) and denials.

Thanks,

Lauren

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**From:** Liang, Gwen  
**Sent:** Thursday, March 27, 2014 12:40 PM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Please see the following counts of the three-digit codes of 'MAS', 'REG' in ASSOC\_RECEIPT\_NUMBER for FY14 H1B Cap cases with filing date issues:

108 cases with 'MAS', or 'REG' code (out of 239) with filing dates before 04/08/2013.

515 cases with 'MAS', or 'REG' code (out of 4,032) with filing dates after 04/08/2013.

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

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**From:** Aucoin, Lauren J  
**Sent:** Thursday, March 27, 2014 8:21 AM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S; Doumani, Stephanie M  
**Subject:** Re: FY14 H1B CAP cases Filing Date (mailroom date) questions

Is there a three digit code in the associated receipt number field for these cases?

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**From:** Liang, Gwen  
**Sent:** Wednesday, March 26, 2014 04:33 PM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Yes. 3280 out of 4032 filed after 4/8 were actually filed after April 2013.

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎  B.B.) (b)(6)

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**From:** Aucoin, Lauren J  
**Sent:** Wednesday, March 26, 2014 3:50 PM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S  
**Subject:** Re: FY14 H1B CAP cases Filing Date (mailroom date) questions

Gwen,

For the petitions that were receipted in after 4/8, is there a way to easily tell whether the receipt date for the majority falls outside of April 2013?

Thanks!

Lauren

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**From:** Liang, Gwen  
**Sent:** Wednesday, March 26, 2014 01:50 PM  
**To:** Aucoin, Lauren J; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Lauren,

These records all have conditions matching my search criteria for H1B CAP cases. But I am not sure whether I should exclude those whose RECEIVED\_DATE values are not 04/08/2013.

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

[Redacted] (B.B.) (b)(6)

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**From:** Aucoin, Lauren J  
**Sent:** Wednesday, March 26, 2014 1:46 PM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A  
**Cc:** Fedak, Orest S  
**Subject:** RE: FY14 H1B CAP cases Filing Date (mailroom date) questions

Gwen,

Are all of these cases FY14 cap filings according to the system?

Thanks,

Lauren

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**From:** Liang, Gwen  
**Sent:** Wednesday, March 26, 2014 1:37 PM  
**To:** Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren J  
**Cc:** Fedak, Orest S  
**Subject:** FY14 H1B CAP cases Filing Date (mailroom date) questions

Hi all,

If I am not mistaken, last year (FY14 H1B Cap) after cap closed on 4/5/2013, SCOPS decided to use '4/8/2013' as the received\_date (i.e.FILE\_DATE) for data entry.

Based on this assumption, I need some help in clarifying my confusion on FY14 H1B Cap filing dates entered in the database.

Question: When I run the cap counting query, do I consider the following two types of H1B cap cases as FY14 H1B Cap cases?

1. 239 H1B cap cases were found to have filing dates earlier than 4/8/2013. Here are 5 sample records:

RECEIPT_NUMBER	CLASS_PREFERENCE	STATUS	FILE_DATE	BEN_VALID_FROM
[Redacted]				

(b)(6)

2. 4,032 H1B cap cases were found to have filing dates later than 4/8/2013. Here are 5 sample records:

RECEIPT_NUMBER	CLASS_PREFERENCE	STATUS	FILE_DATE	BEN_VALID_FROM
[Redacted]				

(b)(6)

(b)(6)



Thank you in advance!

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

 B.B.)

(b)(6)

## Jaynes, Thomas A

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**From:** Liang, Gwen  
**Sent:** Wednesday, April 02, 2014 8:10 AM  
**To:** Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren J  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY15 H1B CAP cases - New Target

Denis,  
The barcode target of **97,000** includes 3,000 anticipated manual rejects. We want to select 97,000 barcodes not 100,000.

### *Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

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**From:** Peck, Denis R  
**Sent:** Wednesday, April 02, 2014 8:25 AM  
**To:** Liang, Gwen; Sweeney, Shelly A; Aucoin, Lauren J  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY15 H1B CAP cases - New Target

Gwen

So does this mean if we anticipate 3,000 (manual, not data entered) rejects we want to select an even 100,000 in the lottery? Or we want to select 97,000?

Is 3,000 anticipated rejects, the number we used last year, the same you anticipate this year?

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

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**From:** Liang, Gwen  
**Sent:** Tuesday, April 01, 2014 4:53 PM  
**To:** Sweeney, Shelly A; Aucoin, Lauren J; Peck, Denis R  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY15 H1B CAP cases - New Target

The new target set for FY15 H1B Cape is **97,000 barcodes**.

I have factored in the non-data entered rejects and is based on the following statistics:

**189 (on 4/8/2013) – count as cap**

131 (before 4/8/2013) – count as cap  
2,397 (after 4/8/2013) – do not count as cap  
FY14 receipts: 98,806  
FY14 denials: 9,546  
FY14 Approvals: 88,33

I have put my statistics under the wrong parameter section before. It is corrected now.

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

**Jaynes, Thomas A**

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**From:** Doumani, Stephanie M  
**Sent:** Thursday, March 27, 2014 3:52 PM  
**To:** Bump, Micah N  
**Subject:** FW: Cap Subject/ Cap Exemption Situation Document  
**Attachments:** Cap Subject VS Cap Exempt Situations.docx

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**From:** Doumani, Stephanie M  
**Sent:** Wednesday, February 12, 2014 10:13 AM  
**To:** Canney, Keith J; Tamanaha, Emisa T  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** Cap Subject/ Cap Exemption Situation Document

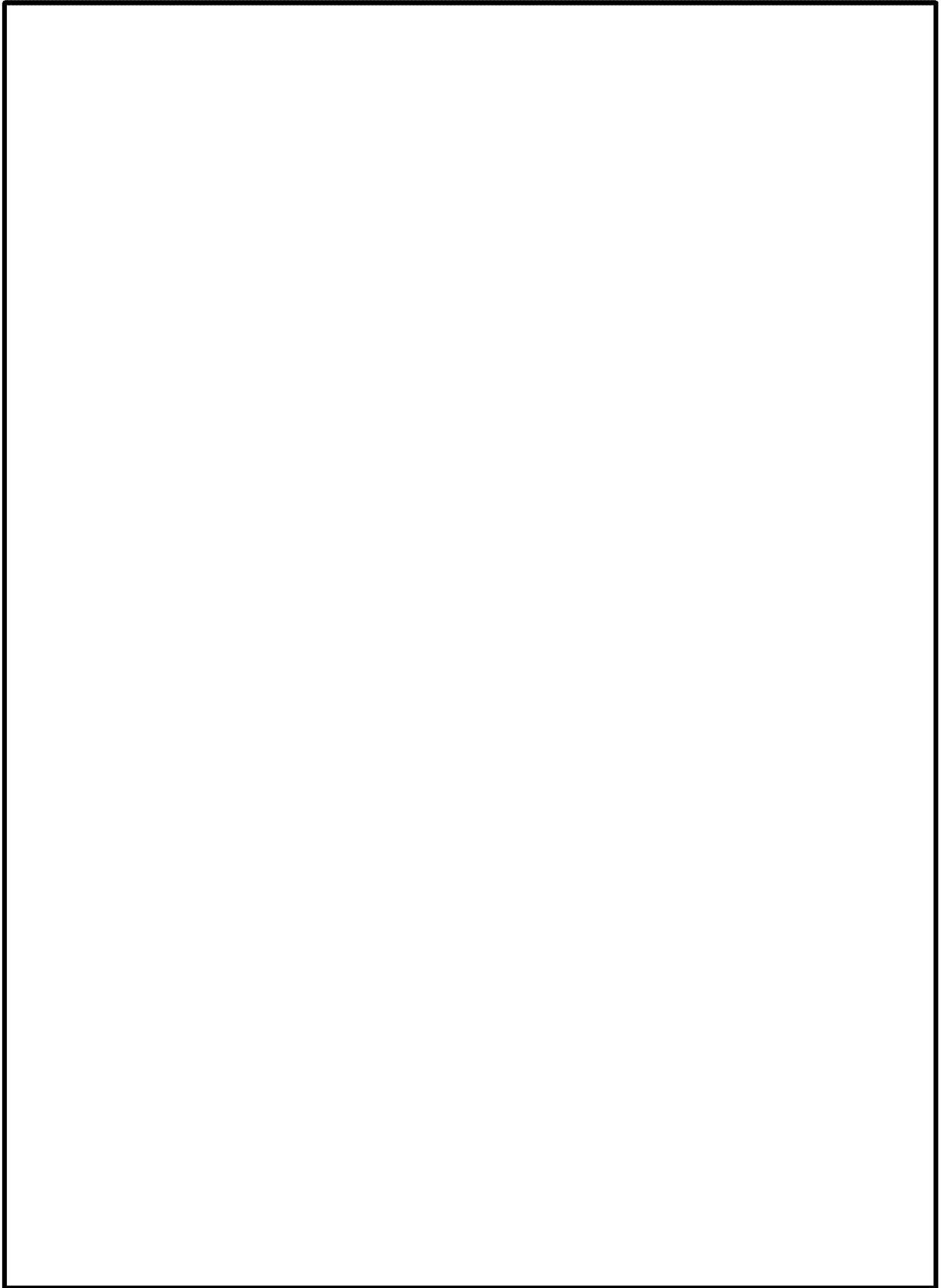
Keith and Emisa,

As discussed on our cap call yesterday, I have attached a copy of the cap subject/ cap exempt situations document to this email for your review. Please note that this attachment is only a draft and should not be utilized as final guidance. We would like to know if the responses meet each service center's needs and are consistent with current practices in place. If possible, can you please provide a response back to us by COB 2/21?

Thank you in advance with your assistance.

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk  
[Redacted] 8B  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

(b)(6)



(b)(5)

(b)(5)

(b)(5)

**Jaynes, Thomas A**

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**From:** Doumani, Stephanie M  
**Sent:** Tuesday, March 25, 2014 5:24 PM  
**To:** Canney, Keith J; Tamanaha, Emisa T; Boudreau, Lynn A; Loughlin, Stephen J; Nicholson, Richard E; Fries, Juliet M; Ryan, Carrie A; Lussier, Marcy R; Larose, Ronald W; Whittier, Michelle J; Chong, Jenny; Baltaretu, Cristina G; Fierro, Joseph  
**Cc:** Peck, Denis R; Fedak, Orest S; Tu, David J; Liang, Gwen; Bacote, Robert R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** Revised Rejection Letter  
**Attachments:** Letter - selected in RNG rejected for improper filing SCOPS UPDATE 3 25 2014.doc


VSC and CSC,

We have made a few edits to the "Rejection Letter (Selected in RNG and Rejected for Improper Filing)" document.

Please use the attached document in place of the prior version.

If you have any questions or concerns, please let me know.

Thank you,

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk  
 (b)(6)  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

Comment [LA1]: VSC: Please change letterhead.



U.S. Citizenship  
and Immigration  
Services

Date:

Form No. I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY15 closed on April 7, 2014.

1.  You submitted your I-129 H-1B petition/H-1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2.  You did not include the H-1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3.  The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4.  Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5.  Your I-129 was not properly signed.
- 6-6.  The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be:
  - A. \$750 (ACWIA Fee for a company with 25 employees or less).
  - B. \$1,500 (ACWIA Fee for a company with 26 employees or more).
  - C. \$500 Fraud Prevention and Detection Fee.
  - D. \$325 I-129 base fee
  - E. \$2000 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
6.  The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
7.  Your I-129 petition subject to FY 15 cap must not have an employment date earlier than 10/01/2014.
- 7B.  Incomplete petition. Page(s) \_\_\_\_\_ missing. Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_ missing incorrect/missing information.
89.  Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.
910.  Your I-129 H-1B Chile/Singapore cap petition may only be filed at Vermont Service Center.
4011.  OTHER: \_\_\_\_\_

(b)(5)

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(b)(5)

Sincerely,

SERVICE CENTER DIRECTOR

DRAFT

**Jaynes, Thomas A**

---

**From:** (b)(6) [redacted]  
**Sent:** Thursday, May 08, 2014 12:51 PM  
**To:** Lundquist, Lieda F; Sua, Mike T  
**Subject:** FW: CAP Rejects

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Lieda,

Here is the email trail from last year that covers multiple filings. The direction is at the very bottom. Jessy provided direction in red:

Thank you (b)(6)



---

**From:** Benavente, Jessy J  
**Sent:** Tuesday, May 14, 2013 7:49 AM (b)(6)  
**To:** Sua, Mike T; [redacted]  
**Cc:** Lundquist, Lieda F; Bennett, Linda J; [redacted] Fries, Juliet M  
**Subject:** RE: CAP Rejects

OK

---

**From:** Sua, Mike T  
**Sent:** Tuesday, May 14, 2013 7:47 AM (b)(6)  
**To:** Benavente, Jessy J; [redacted]  
**Cc:** Lundquist, Lieda F; Bennett, Linda J; Bobeng [redacted] Fries, Juliet M  
**Subject:** RE: CAP Rejects  
**Importance:** High

I have the reject letter ready to go; however, I need to generate a memo for SCOSS with Juliet's approval for distribution.

Thanks,  
*M. Sua*  
Immigration Service Analyst  
USCIS | California Service Center  
☎ : 949.389.3140

**From:** Benavente, Jessy J  
**Sent:** Tuesday, May 14, 2013 7:16 AM  
**To:** Sua, Mike T; [redacted] (b)(6)  
**Cc:** Lundquist, Lieda F; Bennett, Linda J; [redacted] Fries, Juliet M  
**Subject:** RE: CAP Rejects

[redacted] (b)(6)

Just annotate that CAP is closed and they cannot resubmit their I-129 application.  
Also, just use the last entry on standard reject letter/memo and add all reasons for reject.  
I am here until 845am if you have questions. I will be out until Tuesday morning. After that, please see Lieda.

Jessy Benavente  
SISA

---

**From:** Bennett, Linda J  
**Sent:** Monday, May 13, 2013 12:58 PM  
**To:** Sua, Mike T; Benavente, Jessy J  
**Cc:** Lundquist, Lieda F  
**Subject:** FW: CAP Rejects

Mike,  
[redacted] (b)(6)

[redacted] asked today about the reject letter they should use to reject the CAP winners that prove to be rejects for fee, jurisdiction, etc. They were advised below to use the general reject letter but today asked if that was ok since that reject letter doesn't list jurisdiction and incorrect fee reject reasons. Also, the letter advises to resubmit their corrected filing. She also asked if they should use the letter for late filers so the filer doesn't resubmit their I-129 in addition.

I don't have any emails (other than this one) that gives reject letters to be used or guidance on this so was unable to answer her questions. Please respond to her with the information.

Thank you,

Linda Bennett  
Supervisory Immigration Services Analyst  
California Service Center  
(949) 389-3125

---

**From:** Benavente, Jessy J  
**Sent:** Thursday, April 25, 2013 2:40 PM  
**To:** [redacted] Bennett, Linda J (b)(6)  
**Cc:** [redacted] Sua, Mike T; Fries, Juliet M; Lundquist, Lieda F  
**Subject:** RE: CAP Rejects

See below:

---

**From:** [redacted]  
**Sent:** Thursday, April 25, 2013 2:13 PM (b)(6)  
**To:** Benavente, Jessy J; Bennett, Linda J  
**Cc:** [redacted]  
**Subject:** CAP Rejects

Linda or Jessy,

Just to confirm, CAP Late Filings can be processed now and are to be treated like our daily rejects, entered into the MRL and we will use the Late Filing CAP reject letter. Yes

Also, a few questions:

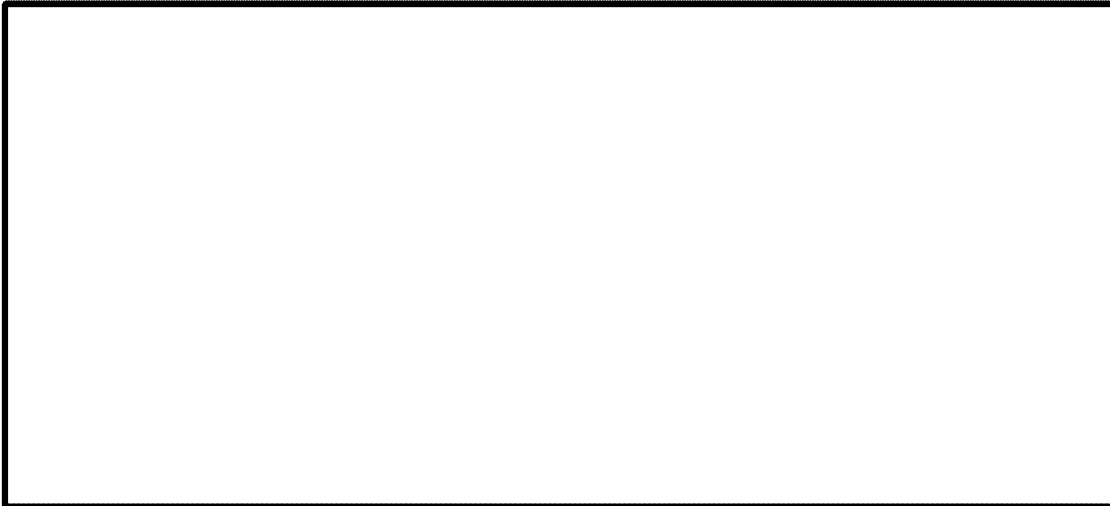
For "selected" CAP rejects, do we need to identify all reasons for the rejection or is one reason adequate? We plan to use the I-129 general reject letters for CAP "selected" cases (version 3/20/13 is our current copy). Yes and remember to hold these until duplicates have been checked.

For "non-selected" CAP rejects, if a folder has multiple filings inside the folder, how should we treat them? As both being rejected

Lastly, as discussed, we are proposing that we use the CRIS database solely to capture all "selected" and "non-selected" CAP rejects with the fields identified today. This will help to reduce the amount of time each reject takes and our ability to meet deadlines. OK as long as the fee field is there.

Thank you

(b)(6)





**U.S. Citizenship  
and Immigration  
Services**

RE:

Form No.: I-129 H1B Master Cap case

Dear Petitioner:

Your petition, supporting documents, and fees are being returned to you. Your petition has not been examined for legal sufficiency and/or required documents. Your petition is rejected for the following reason:

CIS received sufficient numbers of H1B petitions with and without US earned master's degrees or higher to reach the numerical limitation for FY 2013 prior to receiving your petition.

Petitions for new H1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization, or is a J-1 nonimmigrant alien who received a waiver of the 2 year foreign residency requirement under 214(l) (1) (B) or (C). If your petition was not subject to the numerical limitation and was rejected in error, please resubmit it, along with appropriate filing fees, and mark "exempted" on the petition. You must establish that your H1B petition is not subject to the cap.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the CIS Internet web-site at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR



**U.S. Citizenship  
and Immigration  
Services**

RE:

Form No.: I-129 H1B Cap Petition

Dear Petitioner:

The above petition and its supporting documents are attached. Your petition has not been examined for legal sufficiency and /or required documents. Your petition, supporting documents, and any fees are being returned to you for the following reason:

CIS received sufficient numbers of H1B petitions to reach the numerical limitation for FY 2013 prior to receiving your petition.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2014 cap, with a start date of October 1, 2013, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2013. Petitioners are reminded that petitions for H1-B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H1-B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization.

Information concerning CIS forms and filing instructions is available from the CIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the CIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR



**U.S. Citizenship  
and Immigration  
Services**

RE:

Form No.: I-129 Petition

Dear Petitioner:

**You requested an employment start date prior to October 1, 2013. CIS received sufficient numbers of H1B petitions to reach the numerical limitation for fiscal year 2013.**

Petitions for new H1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization, or is a J-1 nonimmigrant alien who received a waiver of the 2 year foreign residency requirement under 214(l) (1) (B) or (C). If your petition was not subject to the numerical limitation and was rejected in error, please resubmit it, along with appropriate filing fees, and mark "exempted" on the petition. You must establish that your H1B petition is not subject to the cap.

Information concerning CIS forms and filing instructions is available from the CIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the CIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

U.S. Department of Homeland Security

P. O. Box 10129

Laguna Niguel, CA 92607-1012



**U.S. Citizenship  
and Immigration  
Services**

RE:

Form No.: I-129 H1B Cap Petition

All H-1B cap-subject petitions received at the California or Vermont Service Centers on \_\_\_\_\_, were subject to a computer-generated random selection process. The enclosed H-1B petition has been rejected because it was not randomly selected for processing. Any associated filing fees are being returned along with the rejected petition.

If your petition is not subject to the cap and you believe it was erroneously rejected, please resubmit it, along with appropriate filing fee(s), and mark "Exempted" on the petition. You must establish that your H1-B petition is not subject to the cap.

Sincerely,

SERVICE CENTER DIRECTOR

## Jaynes, Thomas A

---

**From:** Peck, Denis R  
**Sent:** Monday, March 31, 2014 1:39 PM  
**To:** Fries, Juliet M; Lundquist, Lieda F; Sua, Mike T  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; Doumani, Stephanie M; King, Alexander R; Cox, Sophia  
**Subject:** FW: CSC Acceptability Review Sheet  
**Attachments:** FY15 CAP\_CSC Acceptability Review.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

What is here appears correct but you do not address to the level of detail that VSC does, but in the time left just be sure your guidance to the contractor and their training covers these:

1. We will accept fees with no signatures, including fees that state 'not valid unless two signatures are present'. Industry practice is to accept these fees regardless of what the face of the fee says and we will adhere to that.
2. USCIS, DHS, INS are all acceptable in the pay to the order of field.
3. We will not automatically reject CAPs this year because they go to NSF status. Per the phone call, they will be treated like any other petitions going to NSF status and have 14 days to make good the repayment. Only those missing this window will be rejected later. Detailed guidance on handling Premium Payment cases that go NSF will be forthcoming next week from adjudications.

Thank you,

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

---

**From:** Sua, Mike T  
**Sent:** Monday, March 31, 2014 1:33 PM  
**To:** Peck, Denis R  
**Cc:** Fries, Juliet M; Lundquist, Lieda F  
**Subject:** CSC Acceptability Review Sheet

Denis,

Per Juliet Fries' request, please see attached.

Thanks,

*M. Sua*

Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3140

## Acceptability Review for FY15 I-129 H1B CAP

**Review the following for acceptability:**

I129 H1-B Pages Needed: 1-6, 11&12, 17 – 19, and LCA, if any pages are missing reject.  
 Revision Date: 11/23/10 and after, if earlier than 11/23/10 - REJECT

**Page 2 - Part 2**

#2 should be: Blocks A, D or E

#4 should be: Blocks A, B, or D (If C, change to D) due to previous WAC CAP Exempt filings

Any other blocks, may not be CAP, still continue with process

**Page 3 - Part 3**

#1 Beneficiary Name, if all name fields are blank reject as incomplete  
 If only missing DOB, COB, or COC, review petition for information

**Jurisdiction**

**Page 4 - Part 5**

#3 check jurisdiction list, if multi locations go back to page 1 address. If rejecting, stamp Page 6 with Verify Stamp, and annotate "Jurisdiction Pg. 4 = state(s) work location. For multi locations also Page 1 = state."

<b>Jurisdiction Review</b>	<b>State Chart with Abbreviation</b>	
<b>State Chart</b>	<b>VSC Jurisdiction States:</b>	<b>CSC Jurisdiction States:</b>
	Alabama (AL), Arkansas (AR), Connecticut (CT), Delaware (DE), the District of Columbia (DC), Florida (FL), Georgia (GA), Kentucky (KY), Louisiana (LA), Maine (ME), Maryland (MD), Massachusetts (MA), Mississippi (MS), New Hampshire (NH), New Jersey (NJ), New Mexico (NM), New York (NY), North Carolina (NC), Oklahoma (OK), Pennsylvania (PA), Puerto Rico (PR), Rhode Island (RI), South Carolina (SC), Tennessee (TN), Texas (TX), Vermont (VT), Virginia (VA), U.S. Virgin Islands (VI), or West Virginia (WV).	Alaska (AK), Arizona (AZ), California (CA), Colorado (CO), Guam (GU), Hawaii (HI), Idaho (ID), Illinois (IL), Indiana (IN), Iowa (IA), Kansas (KS), Michigan (MI), Minnesota (MN), Missouri (MO), Montana (MT), Nebraska (NE), Nevada (NV), North Dakota (ND), Ohio (OH), Oregon (OR), South Dakota (SD), Utah (UT), Washington (WA), Wisconsin (WI) or Wyoming (WY).

**Page 5 - Part 5**

#10 Dates of employment  
Must be 10/01/14 or later  
If pre 10/01/14 - REJECT  
If blank or any information (ASAP) other than the date is listed - REJECT

**Page 6 - Part 7**

Signature Field  
Signature must be original, and by the Petitioner  
Signature anywhere in part 7 is acceptable  
Power of Attorney (POA) letters are acceptable  
If not the above, reject for signature

**Pages 17, 18, 19, H1B Data Collection Supplement**

Part A, question #1e:  
An additional fee of \$2,000.00 must be submitted if the petitioner responded "yes" to both questions

**Part B**

Question #1 through #8 should all be NO  
Any question answered YES consider as a ACWIA Fee Exempt case, see analyst  
If 1 thru 8 are all blank, and the ACWIA fee is enclosed, accept 1 thru 8 as all No's.  
Any other question left blank- see analyst for review

**Part B**

Question # 9  
If marked NO = \$1,500.00 ACWIA fee is needed  
If marked YES = \$750.00 ACWIA fee is needed  
Verify I-129 petition, Page 5, Part 5, #13

**Part C**

Block "a" is marked – It is a Regular CAP  
Block "b" is marked – It is a Master CAP:  
▪ #2 needs to be completed for Masters, if not review Beneficiary information in cover letter  
Page 19, part C should be blank  
Block "c" is marked – Reject as per following:  
▪ If Premium Processing – Reject  
▪ If Non-Premium Processing – Forward to VSC  
Block "d" is marked – CAP Exempt

**LCA**

If no LCA attached – reject petition  
Must be certified, and include all Pages 1-5, if not reject  
Page 4, Section K #5 needs petitioner's signature, can be copied or original  
Page 5, signature needed by DOL

**I-907 – Request for Premium:**

Revision Date: 8/10/09 and after, if earlier than 8/10/09 - REJECT

Signature Field: Signature anywhere in part 3 is acceptable

> Signature is acceptable if signed per current SOP

**G-28**

G-28 must be complete.

Petitioner signature must be original.

Attorney signature must be original. Stamped signatures are not acceptable.

**Fees:**

**NOTE: American Competitiveness and Workforce Improvement Act (ACWIA) fee cannot be paid by beneficiary.**

Scenario #1		Scenario #2		Scenario #3		Scenario #4	
Base	\$325	Base	\$325	Base	\$325	Base	\$325
Fraud	\$500	Fraud	\$500	Fraud	\$500	Fraud	\$500
ACWIA	\$750	ACWIA	\$1,500	ACWIA	\$750	ACWIA	\$1,500
				Premium	\$1,225	Premium	\$1,225
TOTAL:	\$1,575	TOTAL:	\$2,325	TOTAL:	\$2,800	TOTAL:	\$3,550
*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000
TOTAL:	\$3,575	TOTAL:	\$4,325	TOTAL:	\$4,800	TOTAL:	\$5,550

# CAP FY's 2015

## I129 ACCEPTABILITY CHECK LIST

**I-129 Total Required Pages;**

1-H1B needs pages 1-6

2-Supplement pages 11, 12, 17, 18, and 19

**\* If any of these are missing → Reject “Reject for missing page(s)”.**

**Steps**

- 1 - **Jurisdiction** → page 4, Part 5 # 3 “address where the person will work”-if not list or multiple addresses listed on page 4, look at page 1 Part 1 # 3e to determine jurisdiction by the petitioner. If address on page 1 is the same address as the attorney on the G-28, mark as “Review address in part 1 is the same with the attorney’s address”.

**\* If the state is belong to the VSC’s jurisdiction, then mark as “Reject for out of these jurisdiction”**

<b>CSC’s jurisdiction</b>	<b>VSC’s jurisdiction</b>
Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia and the District of Columbia

- 2 - **REQUIRED FEE**
- **Filing Fee: \$325.**
  - **Anti-Fraud Fee: \$500.**
  - **Border Patrol Security Fee: \$2,000.**
  - **Acwia Fee: \$750 or \$1,500.**
- 3 - **Revision Date** → Look for Revision Date on the **BOTTOM RIGHT** of the I-129 petition. The Revision Dates are: **11/23/2010, 01/19/2011 & 10/7/2011 only**. \* If wrong revision date mark as REJECT with a yellow sticky.
- 4 - **Date Stamp** → Upper right hand side of 1<sup>st</sup> page with receive date and clerk ID; **If a duplicate set of I129 is included, date stamp/ID both sets**

## VERIFICATION FOR ACCEPTANCE

- 5 - **Page 1- Review for Eligibility**
  - **Part 1, # 2 & # 3 b; d; g:**

Ensure that a name of company or an organization and a complete address have been provided. If name of company is blank, refer to # 1.  
If # 1 & 2 are blank and/or a foreign address is provided, mark the case as CIS Review using the CIS Review cover sheet.
  
- 6 - **Page 2**

**part 2 #1: classification** → HIB or 1B1.  
If Blank check the supplement page 11 #4 or page 18 part C #1 for classification, if not found send to CIS review
  
- 7 - **Page 2 #2: one box needs to be marked; if multiple boxes are marked send to Review with a CIS Review cover sheet.**
  - **If A, or D, or E is marked= need \$500 “Anti-Fraud Fee”.**  
\*If no \$500 submitted mark as REJECT.
  
- 8    **#4: a or b has to be marked**

**#5: Number of beneficiary list in #5 must be only 1 beneficiary. If more than 1 send to USCIS review.**
  
- 9 - **BORDER PATROL SECURITY FEE (CBP)**
  - **\$2000 is required** if:
    - Page 2 part 2 #2 boxes A, or D, or E is marked **and**
    - Page 17 part A #1e both boxes marked YES. If either box is part NO Fee is not required.
  - \* If file is marked as needing fee and no fee is submitted mark as REJECT with a yellow sticky.
  
- 10 - **Page 3**
  - **Part 3: Beneficiary’s Information**
  - Beneficiary has to be named.
    - #1i(COB) or #1 k (COC) is Chile or Singapore, mark as needing to be forwarded to CIS Review.
  
- 11 - **Date of Employment;**
  - **Page 5, part 5, #10: dates of intended employment must be on or after 10/1/2014. If listed dates are before 10/1/2014, mark as reject.**

- 12 - **Page 6, Part 7-need original signature of the petitioner (page 1) and not signed by beneficiary.**
- Original "X" or fingerprint → okay to accept
  - if NO signature → mark as reject
- 13 - **Page 17 & 18, Part B #1-8=All must be marked NO. If any marked Yes, send to CIS Review.**
- Page 18:**
- Part B, #9-if marked YES → \$750 required
  - Part B, #9-if marked NO → \$1500 required
- NOTE:**
- ACWIA FEE-needs to be paid by the PETITIONER/ATTY; if beneficiary paid, mark as reject
  - If ACWIA FEE is incorrect and/or marking on file contradicts submitted fee → send to Review
  - If ACWIA Fee is NOT submitted, mark as a Reject.
- 14 - **Page 18, Part C # 1 a or b is marked.**
- 15 - **Master Cap: Address if institution or higher education review**
- Page 18, Part C, # 2 d, if the address is not a US address, the filing needs to be switched to a regular CAP (CRP/CRN) filing. → Give to a Supervisor.
  - If the address field is blank, refer to Page 17, Part A #2.
    - If "a or b or c or d or e or f" is checked, it is a regular CAP case
    - If "g or h or i" is checked, send the case to USCIS review
- 16 - **Page 18 & 19 Part C # 3 "a" through "I" must all be "Blank". If any box is marked, send to CIS review. (This is ONLY CAP cases.)**
- 17 - **REVIEW FOR LCA (ETA9035)**
- Ensure that H1B has a LCA, if missing, mark as reject.
- Review Page 4 of the LCA for a petitioner's signature
  - Review page 5 for the department of Labor official's signature and dates in the "This certification is valid from" and that it is "certified".
- \* Mark the filing as a reject if the LCA is:
- not certified and/or
  - missing the petitioner's or official's signatures or the certification dates on page 4 or 5 and/or
  - missing pages 4 & 5,
- If the LCA is annotated in the "Case Status" field as "Partially Certified", send to CIS Review.

**NOTE: COPIED Signature is acceptable.**

**18 - DUPLICATE OF I-129**

- The second set of I-129 is to be assembled under the supporting documentation of the 1<sup>st</sup> set of the I-129. (Dog ear/fold first page of the 2<sup>nd</sup> copy)

**NOTE:-Concurrent filings-**The below filing maybe filed with the I129. Each filing is to be assembled into a separate brown folder and attached to the I-129. The I129 Form is \$325.00

- I907-\$1225 -- Premium Processing (included with the I-129 in a Purple folder for Regular and Yellow for Masters)
- I539-\$290
- I102-\$330
- I824-\$405
- I765-\$380

**CAP categories and colors:**

1. Regular CAP:
  - a. CRN:
    - ✓ Page 18 Part C # 1 a is marked
    - ✓ Assemble into Green folder
  - b. CRP:
    - ✓ I-907 form
    - ✓ Page 18 Part C # 1 a is marked
    - ✓ Assemble into Purple folder
2. Master CAP:
  - a. CMN:
    - ✓ Page 18 Part C # 1 b is marked.
    - ✓ Assemble into Blue folder
  - b. CMP:
    - ✓ I-907 form
    - ✓ Page 18 Part C # 1 b is marked.
    - ✓ Assemble into Yellow folder



**U.S. Citizenship  
and Immigration  
Services**

Date:

Form No: I-129 H1B Master CAP

Dear Petitioner,

Your petition, supporting documents, and fees are being returned to you. Your petition has not been examined for legal sufficiency and/or required documents. Your petition is rejected for the following reason:

**CIS received sufficient numbers of H1B petitions with and without US earned master's degrees or higher to reach the numerical limitation for FY15 prior to receiving your petition.**

Petitions for new H1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization, or is a J-1 nonimmigrant alien who received a waiver of the 2 year foreign residency requirement under 214(l) (1) (B) or (C). If your petition was not subject to the numerical limitation and was rejected in error, please resubmit it, along with appropriate filing fees, and mark "exempted" on the petition. You must establish that your H1B petition is not subject to the cap.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the CIS Internet web-site at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR



**U.S. Citizenship  
and Immigration  
Services**

Date:

Form No: I-129 H1B Cap Reject

Your petition, supporting documents, and fee are being returned to you. Your petition was returned for the following reason:

USCIS received sufficient numbers of H-1B petitions to reach the numerical limitation for FY 2015 prior to receiving your petition.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2016 cap, with a start date of October 1, 2015, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2015. Petitioners are reminded that petitions for H-1B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H-1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Mariana Islands are also exempt from the cap until December 31, 2014.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the USCIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

ID# \_\_\_\_\_  
USCIS Conc. \_\_\_\_\_  
I-129 H1B CAP\_FY15 Late Filed Reject Letter  
Rev 3/04/14

[www.uscis.gov](http://www.uscis.gov)



**U.S. Citizenship  
and Immigration  
Services**

Date:

Form No: I-129 H-1B Cap Reject

Your petition, supporting documents, and fee are being returned to you. Your petition was returned for the following reason:

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this timeframe; however, it was not among those randomly selected for processing.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2016 cap, with a start date of October 1, 2015, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2015. Petitioners are reminded that petitions for H-1B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H-1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Mariana Islands are also exempt from the cap until December 31, 2014.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the USCIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

**SERVICE CENTER DIRECTOR**



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY15 closed on April 7, 2014.

1. \_\_\_ You submitted your I-129 H-1B petition/H1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2. \_\_\_ You did not include the H-1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3. \_\_\_ The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4. \_\_\_ Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5. \_\_\_ Your I-129 was not properly signed.
6. \_\_\_ The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be:
  - A. **\$750.00 (ACWIA Fee for a company with 25 employees or less).**
  - B. **\$1,500.00 (ACWIA Fee for a company with 26 employees or more).**
  - C. **\$500.00 Fraud Prevention and Detection Fee.**
  - D. **\$325.00 I-129 base fee**
  - E. **\$2000.00 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.**
7. \_\_\_ The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
8. \_\_\_ Incomplete petition. Page(s) \_\_\_ missing. Part \_\_\_ Number \_\_\_, Part \_\_\_ Number \_\_\_, Part \_\_\_ Number \_\_\_, Part \_\_\_ Number \_\_\_ missing incorrect/missing information.
9. \_\_\_ Your I-129 petition subject to FY15 cap must not have an employment date earlier than 10/01/2014.
10. \_\_\_ Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.

ID# \_\_\_\_\_  
USCIS Conc. \_\_\_\_\_  
Rev 2-18-14 I-129 Reject Notice\_FY-15 cap winner rejects

[www.uscis.gov](http://www.uscis.gov)

11. \_\_\_ Your I-129 H-1B1 Chile/Singapore cap petition may only be filed at Vermont Service Center.

12. \_\_\_ OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

**SERVICE CENTER DIRECTOR**

**Jaynes, Thomas A**

---

**From:** Doumani, Stephanie M  
**Sent:** Tuesday, February 18, 2014 12:11 PM  
**To:** Canney, Keith J; Tamanaha, Emisa T; Boudreau, Lynn A; Loughlin, Stephen J; Nicholson, Richard E; Fries, Juliet M; Ryan, Carrie A; Lussier, Marcy R; Larose, Ronald W; Whittier, Michelle J; Chong, Jenny; Baltaretu, Cristina G; Fierro, Joseph; Benavente, Jessy J; Bennett, Linda J; Lundquist, Lieda F; Sua, Mike T; Cullen, Janice L; Stoddard, Becky M  
**Cc:** Tynan, Natalie S; Peck, Denis R; Fedak, Orest S; Tu, David J; Liang, Gwen; Bacote, Robert R; Aucoin, Lauren J; Sweeney, Shelly A; Cox, Sophia; Boyd-Butler, Jacqueline A; Westra, Michelle M; King, Alexander R  
**Subject:** Internal Cap Docs  
**Attachments:** Copy of FY15 CSC-VSC Cap report.xls; FY15 H-1B Pre-RNG CAP Matrix.doc; FY15 Post RNG CAP Matrix CSC.doc; Letter - reject after filing cap reached.doc; Letter - reject after RNG VSC.doc; Letter - selected in RNG rejected for improper filing CSC.doc

Good Morning VSC and CSC,


I have attached the finalized internal FY 15 cap documents to this email.

SCOPS' responses to comments/ edits can be seen for the following:

- FY 15 Post RNG Cap Matrix (CSC edits)
- Letter – Reject after RNG (VSC edits)
- Letter – Selected in RNG for improper filings (CSC edits)

Please let me know if you have any questions or concerns.

Thank you,

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk  
 (b)(6)  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

## Acceptability Review for I-129 CAP (FY 15)

### I-129:

#### Revision Date

Only I-129 form with the revision date of 11/23/10 or later on page 1 of the I-129 form is to be accepted. The I-129 petition is to be rejected if it has a revision date prior to 11/23/10. If the revision date information is missing on page 1 of the I-129 petition, send the case to USCIS review.

#### Jurisdiction:

Verify the I-129 H-1B CAP case for jurisdiction requirement as per current instructions.

If the I-129 H-1B cap is out of the Service Center jurisdiction, reject the CAP case.

### Page 3 - Part 3

#### Question #1

"A" - Beneficiary Name

> If all name fields are blank - reject as incomplete

"E" - Date of Birth

> If blank - send to USCIS for review

### Page 5 - Part 5

#### Question #10

Dates of Employment

> Must be 10/1/14 or later

> If pre 10/1/14 - reject

If blank or any information (ASAP) other than the date is listed - reject.

### Page 6 - Part 7

Signature Field

- > Signature anywhere in part 7 is acceptable
- > Signature must be the Petitioner
- > Power of Attorney (POA) letters are acceptable
- > Missing signature

**Comment [U1]:** > Missing signature - reject  
SCOPS: Agreed. Field has been added.

**I-129 H1B Data Collection Supplement –**

**Part A**

**Question #1 e**

- > An additional fee of \$2,000 must be submitted if the petitioner responded “yes” to both questions in 1e of Part A.

**Part B**

**Question #1 through #8**

- > Any question answered YES consider as a ACWIA Fee Exempt case
- > Any questions left blank – send to USCIS for review

**Question #9**

- > If marked NO = \$1,500 ACWIA fee is needed
- > If marked YES = \$750 ACWIA fee is needed
- > If fee that was submitted is inconsistent
  - > Verify I-129 petition, Part 5, Question #13

**If no LCA attached – reject petition**

**Signature Field**

- > Signature in Part K on Page 4

**I-907 – Request for Premium:**

**Revision Date**

- > Date must be no earlier than 8/10/09

**Signature Field**

- > Signature anywhere in part 3 is acceptable
- > Signature is acceptable if signed per current SOP

**FEES:**

- PART A, 1e - \$2,000 is required if both questions are answered "Yes"

Scenario #1		Scenario #2		Scenario #3		Scenario #4	
Base	\$325	Base	\$325	Base	\$325	Base	\$325
Fraud	\$500	Fraud	\$500	Fraud	\$500	Fraud	\$500
ACWIA	\$750	ACWIA	\$1,500	ACWIA	\$750	ACWIA	\$1,500
				Premium	\$1,225	Premium	\$1,225
<b>TOTAL:</b>	<b>\$1,575</b>	<b>TOTAL:</b>	<b>\$2,325</b>	<b>TOTAL:</b>	<b>\$2,800</b>	<b>TOTAL:</b>	<b>\$3,550</b>
*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000
<b>TOTAL:</b>	<b>\$3,575</b>	<b>TOTAL:</b>	<b>\$4,325</b>	<b>TOTAL:</b>	<b>\$4,800</b>	<b>TOTAL:</b>	<b>\$5,550</b>

Applicant/Petitioner A#		Application/Petition
Receipt #		Applicant/Petitioner
Notice Date	Page 1	Beneficiary

APPLICANT  
ATTORNEY  
ADDRESS

Your petition, supporting documents, and fee are being returned to you. Your petition was returned for the following reason:

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this timeframe; however, it was not among those randomly selected for processing.

Comment [U1]: SCOPS: Change accepted.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2016 cap, with a start date of October 1, 2015, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2015. Petitioners are reminded that petitions for H-1B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H-1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Mariana Islands are also exempt from the cap until December 31, 2014.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the USCIS internet website at [www.uscis.gov](http://www.uscis.gov).

**NOTE:** Since the reorganization of the INS into three new agencies under the Department of Homeland Security, there has been confusion regarding who remittances should be made payable to. Unless specified above, your application is not being rejected for incorrect payee information, however to ensure proper processing of future applications, please make checks and/or money orders payable to "Department of Homeland Security."

You will be notified separately about any other applications or petitions you filed. Save this notice. Please enclose a copy of it if you write to us about this case, or if you file another application based on this decision. Our address is:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
VERMONT SERVICE CENTER OR CALIFORNIA SERVICE CENTER  
[STREET ADDRESS]  
[CITY, STATE, ZIP]

Customer Service Telephone: (800) 375-5283

Form I-797 (8/03/90) Y

## Revised Draft I-129 H1B PRE-RNG- FY15 CAP Case Determination Matrix

1. Review Part 2 block 1 to ensure that the Requested Classification is “H1B” or “H1B1.” If blank, send to USCIS review.

2. Review **Part C** of I-129 H1B Data Collection Supplement, Pg. 18

- #1 “a” is marked – Regular CAP
- #1 “b” is marked – Master’s CAP (note that #2 in Part C should also be completed)
- #1 “c” is marked – send the case to USCIS review
- #1 “d” is marked – NON CAP

**If the I-907 form is included with the cap case, the cap case is considered as Premium cap case.**

Applicant/Petitioner A#		Application/Petition
Receipt #		Applicant/Petitioner
Notice Date	Page 1	Beneficiary

APPLICANT ATTORNEY ADDRESS
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Your petition, supporting documents, and fee are being returned to you. Your petition was returned for the following reason:

USCIS received sufficient numbers of H-1B petitions to reach the numerical limitation for FY 2015 prior to receiving your petition.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2016 cap, with a start date of October 1, 2015, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2015. Petitioners are reminded that petitions for H-1B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H-1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Mariana Islands are also exempt from the cap until December 31, 2014.

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**NOTE:** Since the reorganization of the INS into three new agencies under the Department of Homeland Security, there has been confusion regarding who remittances should be made payable to. Unless specified above, your application is not being rejected for incorrect payee information, however to ensure proper processing of future applications, please make checks and/or money orders payable to "Department of Homeland Security."

You will be notified separately about any other applications or petitions you filed. Save this notice. Please enclose a copy of it if you write to us about this case, or if you file another application based on this decision. Our address is:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
VERMONT SERVICE CENTER OR CALIFORNIA SERVICE CENTER  
[STREET ADDRESS]  
[CITY, STATE, ZIP]

Customer Service Telephone: (800) 375-5283

Comment [LA1]: VSC: Please change letterhead.



U.S. Citizenship  
and Immigration  
Services

Date:

Form No. I-129 H-1B Cap Reject

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2.  You did not include the H-1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3.  The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4.  Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5.  Your I-129 was not properly signed.
6.  The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be
  - A. \$750.00 (ACWIA Fee for a company with 25 employees or less).
  - B. \$1,500.00 (ACWIA Fee for a company with 26 employees or more).
  - C. \$500.00 Fraud Prevention and Detection Fee.
  - D. \$325.00 I-129 base fee
  - E. \$2000.00 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
6.  The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
7.  Your I-129 petition subject to FY 15 cap must not have an employment date earlier than 10/01/2014.
7.  Incomplete petition. Page(s) \_\_\_\_\_ missing. Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_ missing incorrect/missing information.
8.  Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.
9.  Your I-129 H-1B1 Chile/Singapore cap petition may only be filed at Vermont Service Center.
10.  OTHER: \_\_\_\_\_

Formatted: Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 +  
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0.25" + Indent at: 0.25"

(b)(5)

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Numbering Style: 1, 2, 3, ... + Start at: 1 +  
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0.25" + Indent at: 0.25"

Sincerely,

SERVICE CENTER DIRECTOR

DRAFT

# ALL POSSIBLE FEES FOR I-129 CAP CASES FY '2015'

**\$325.00 FOR I-129 FORM**

**\$1225.00 FOR I-907 PREMIUM FEE (IF INCLUDED)**

**\$500.00 FRAUD FEE: PG 2, #2 A, D, OR E MARKED**

**\$2000.00 BOARDER PATORL FEE: PG 2, #2 A,D, OR E IS MARKED  
AND PG 17, PART A, # 1 "e" BOTH MARKED YES, THIS FEE IS REQUIRED**

**\$750.00 ACWIA FEE: PG 17& 18,PART B 1-8 ARE ALL MARKED "NO" & #9  
MARKED "YES"**

or

**\$1500.00 ACWIA FEE: PG 17&18, PART B 1-8 ARE ALL MARKED "NO" & #9  
MARKED "NO"**

## OTHER FORMS THAT CAN BE SUBMITTED

**\$290.00 FOR I-539 FORM (IF INCULDED)**

**\$380.00 FOR I-765 FORM (IF INCULDED)**

**\$330.00 FOR I-102 FORM (IF INCULDED)**

**\$405.00 FOR I-824 FORM (IF INCULDED)**

**CMP-YELLOW CMN-BLUE CRP-PURPLE CRN-GREEN**

**Jaynes, Thomas A**

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**From:** Benavente, Jessy J  
**Sent:** Wednesday, February 12, 2014 1:00 PM  
**To:** (b)(6)  
**Cc:** (b)(6) Sua, Mike T; Lundquist, Lieda F; Fries, Juliet M  
**Subject:** RE: CAP - Reject Letter in/out of the CRIS DB

We need to get that to D&A.

---

**From:** (b)(6)  
**Sent:** Wednesday, February 12, 2014 10:16 AM  
**To:** Benavente, Jessy J (b)(6)  
**Cc:** (b)(6) Sua, Mike T; Lundquist, Lieda F; Fries, Juliet M  
**Subject:** RE: CAP - Reject Letter in/out of the CRIS DB

Jessy, we believe the two reject letters below are sufficient. We also want to suggest to have an option to insert additional radio buttons for additional reject reasons not listed.

I also updated the reject selections below (duplicate).

Thank you.

(b)(6)



---

**From:** Benavente, Jessy J  
**Sent:** Tuesday, February 11, 2014 2:21 PM  
**To:** (b)(6)  
**Cc:** (b)(6) Sua, Mike T; Lundquist, Lieda F; Fries, Juliet M  
**Subject:** FW: CAP - Reject Letter in/out of the CRIS DB

SCOSS,  
Are you sure you want just two?

Jessy Benavente  
SISA

---

**From:** (b)(6)  
**Sent:** Friday, February 07, 2014 5:10 PM

**To:** Sua, Mike T

**Cc:** Benavente, Jessy J; Lundquist, Lieda F; Bennett, Linda J; Hallam, Larry J; Mehta, Dilipkumar N

**Subject:** CAP - Reject Letter in/out of the CRIS DB

(b)(6)

Hi Mike.

We may only need two CAP reject letters setup in the CRIS data base.

- The general reject letter with all the possible reject reasons:
  - ~~Incorrect start date~~
  - Missing pages
  - Missing LCA/missing signature on the LCA/LCA not certified/ Missing required LCA page(s)
  - Outdated I-129 form
  - Missing signature
  - Incorrect filing fee
  - ACWIA fee must be paid for by petitioner or the representative and not the bene
  - Incomplete petition
  - Incorrect employment start date. Start date must not be earlier than 10-1-2014
  - Incorrect jurisdiction
  - Chile/Singapore CAP filing may only be filed at the Vermont Service Center
  - Other \_\_\_\_\_
  
- a reject letter for the non-selected filings.

Outside of the CRIS db, we will need a reject letter for early filings (received before 4-1-14) and a letter for late filings (received after 4-7-14) since these filing will not be part of the lottery.

Please let me know if I've missed anything or if there are questions/concerns.

Thank you.

(b)(6)

**Jaynes, Thomas A**

---

**From:** Chong, Jenny  
**Sent:** Wednesday, February 26, 2014 1:54 PM  
**To:** Fierro, Joseph  
**Cc:** Sua, Mike T; Lundquist, Lieda F  
**Subject:** RE: Cap Agenda Items (2/26)

Joe,

Mike and Lieda came by earlier.

Singapore/Chile cases- we treat these as norm and reject for wrong jurisdiction

The cap cases filed with CSC but should have been filed with VSC- held for the lottery and once get picked up for the lottery then reject for wrong jurisdiction.

Thanks.

*Jenny Chong |Employment Branch/H-1B CNMI Section*

*Look for something positive in each day, even if some days you have to look at little harder.*

---

**From:** Fierro, Joseph  
**Sent:** Wednesday, February 26, 2014 9:55 AM  
**To:** Doumani, Stephanie M; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Cc:** Fries, Juliet M; Canney, Keith J; Baltaretu, Cristina G; Chong, Jenny; Nicholson, Richard E; Baltaretu, Cristina G  
**Subject:** RE: Cap Agenda Items (2/26)

Hi Stephanie:

We are looking into the answer to the question about Singapore/Chile cases and should have it by the call.

---

**From:** Doumani, Stephanie M  
**Sent:** Wednesday, February 26, 2014 6:05 AM  
**To:** Fierro, Joseph; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Cc:** Fries, Juliet M; Canney, Keith J; Baltaretu, Cristina G; Chong, Jenny; Nicholson, Richard E; Baltaretu, Cristina G  
**Subject:** RE: Cap Agenda Items (2/26)

Hi Joe,

Thanks for submitting the agenda items/ questions below for our call.

I just had a few follow up questions. When CSC received Singapore/ Chile H1B1 cap cases last year, did you reject the cases or forward them to the VSC? Also, for the cap cases filed with CSC but should have been filed with VSC, were those cases rejected or held for the lottery last year?

We will be addressing the question regarding the PP clock on today's call in conjunction with some changes made to the external cap documents.

You brought up some great questions regarding duplicate filings. I think we should actually plan a separate call for this discussion next week. Are the service centers available on Monday (3/3) at 2pm EST? If so, I can send a calendar invite.

We are still discussing CSC's file assembly question internally but intend to address the question either on today's call or in an email.

Thanks,  
Stephanie

---

**From:** Fierro, Joseph  
**Sent:** Monday, February 24, 2014 12:04 PM  
**To:** Doumani, Stephanie M  
**Cc:** Aucoin, Lauren J; Fries, Juliet M; Sweeney, Shelly A; King, Alexander R; Canney, Keith J; Baltaretu, Cristina G; Chong, Jenny; Nicholson, Richard E; Baltaretu, Cristina G  
**Subject:** Cap Agenda Items (2/26)

Stephanie:

Questions from the Records:

- Singapore/Chile H1B1 Caps file with CSC.  
Reject or forward to VSC.
- CAP cases filed with the wrong jurisdiction (should file with VSC)  
Reject or hold for the Lottery
- This is more for our IT/SLOPE team: what are we doing with the PP clock; PP should be starting on April 21st although the cases get entered in the system prior to April 21, 2014

Questions regarding Duplicates: (last year, before HQ run the systems for any Duplicates, some cases got to the floor and got adjudicated)

- Petitioner states the first filing was a mistake and withdrew. The second filing get approved/pending.
- Petitioner states the first filing was a mistake and stops the checks/bounced check. The second filing get approved/pending.

Questions for Contractors:

- Would it be possible to change or request to place duplicate copy on top rather than on the bottom when the files get assembled. (it would help the adjudication process to move faster)

Thanks,

Joe

---

**From:** Tamanaha, Emisa T  
**Sent:** Thursday, February 20, 2014 6:12 PM

## Jaynes, Thomas A

---

**From:** Chong, Jenny  
**Sent:** Friday, February 21, 2014 12:57 PM  
**To:** Fierro, Joseph  
**Cc:** Phan, Lethuy; Sua, Mike T; Lundquist, Lieda F  
**Subject:** RE: Cap Agenda Items (2/26)

Questions from the Records division:

- Singapore/Chile H1B1 Caps file with CSC.  
Reject or forward to VSC.
- CAP cases filed with the wrong jurisdiction (should file with VSC)  
Reject or hold for the Lottery
- This is more for our IT/SLOPE team: what are we doing with the PP clock; PP should be starting on April 21<sup>st</sup> although the cases get entered in the system prior to April 21, 2014

Questions regarding Duplicates: (last year, before HQ run the systems for any Duplicates, some cases got to the floor and got adjudicated)

- Petitioner states the first filing was a mistake and withdrew. The second filing get approved/pending.
- Petitioner states the first filing was a mistake and stops the checks/bounced check. The second filing get approved/pending.

Questions for the contractors:

- Would it be possible to change or request to place duplicate copy on top rather than on the bottom when the files get assembled. (it would help the adjudication process to move faster)

Thanks.

---

**From:** Fierro, Joseph  
**Sent:** Thursday, February 20, 2014 09:13 PM Eastern Standard Time  
**To:** Chong, Jenny  
**Cc:** Phan, Lethuy  
**Subject:** FW: Cap Agenda Items (2/26)

Can you think of any items?

---

**From:** Tamanaha, Emisa T  
**Sent:** Thursday, February 20, 2014 6:12 PM  
**To:** Doumani, Stephanie M; Fierro, Joseph; Fries, Juliet M  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R; Canney, Keith J; Baltaretu, Cristina G; Chong, Jenny; Nicholson, Richard E  
**Subject:** RE: Cap Agenda Items (2/26)

Hi Stephanie,

Since Cristina and I will be tied up with the Congressional Open House next Wednesday, I am forwarding this to Joe and Juliet to respond back to you.

SCOSS,


We have been given the go ahead from HQ to begin processing CAP FY15 Rejects. Please advise if you have any questions or concerns.

Thanks,

*Linda Lundquist*

Supervisory Immigration Service Analyst

USCIS | California Service Center

: 949.389.3126

**Jaynes, Thomas A**

---

**From:** Fries, Juliet M  
**Sent:** Tuesday, April 29, 2014 9:12 AM  
**To:** Lundquist, Lieda F  
**Cc:** Antoine, Bennie R; Dequiroz, Perfida; Fernandez, Troy Q; Hallam, Larry J; Rodriguez, George E; Sua, Mike T  
**Subject:** RE: CAP Reject Process

[Redacted] (b)(5)

Juliet M. Fries  
Section Chief/COR III Records/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** Lundquist, Lieda F  
**Sent:** Monday, April 28, 2014 6:14 PM  
**To:** Fries, Juliet M  
**Cc:** Antoine, Bennie R; Dequiroz, Perfida; Fernandez, Troy Q; Hallam, Larry J; Rodriguez, George E; Sua, Mike T  
**Subject:** RE: CAP Reject Process

Juliet, (b)(5)

Mike and [Redacted]

Thanks,  
*Lieda Lundquist*  
Supervisory Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3126

---

**From:** [Redacted] (b)(6)  
**Sent:** Thursday, April 24, 2014 3:27 PM  
**To:** Lundquist, Lieda F  
**Cc:** [Redacted]  
**Subject:** RE: CAP Reject Process

Hi Lieda,

Per our conversation, please see the additions below in green:

For CAP Selects Rejects:

- Missing Signatures:
  - o For the application and/or LCA circle the line missing the signature with red pen.
  - o For the application and/or LCA use the missing signature stamp on same page.
- Missing Pages:
  - o Stamp all pages of both the petition and/or LCA with the "Received at CSC" stamp.

- These will then be rejected in CRIS using the Reject #2: HIB Reject Improper Filing Letter with specific reasons.

For CAP Non-Selects:

- These will be logged in the CRIS database and will use the Reject #1 H1B CAP Reject letter.

Once we have your concurrence we will finish the training materials and begin training the clerks so that we are ready for the reject stage of CAP.

Thank you,



(b)(6)

---

**From:** [Redacted]  
**Sent:** Wednesday, April 23, 2014 4:14 PM  
**To:** Lundquist, Lieda F (b)(6)  
**Cc:** [Redacted]  
**Subject:** CAP Reject Process

Hi Lieda,

Per our conversation in today's meeting I wanted to send you an outline of our understanding of the CAP Rejects:

For CAP Selects Rejects:

- Missing Signatures:
  - o Circle the line missing the signature with red pen.
  - o Use the missing signature stamp on same page.
- Missing Pages:
  - o Stamp all pages of both the petition and/or LCA with the "Received at CSC" stamp.
- These will then be rejected in CRIS using the Reject #2: HIB Reject Improper Filing Letter with specific reasons.

For CAP Non-Selects:

- These will be logged in the CRIS database and will use the Reject #1 H1B CAP Reject letter.

Once we have your concurrence we will finish the training materials and begin training the clerks so that we are ready for the reject stage of CAP.

Thank you,



(b)(6)

(b)(6)

**Jaynes, Thomas A**

---

**From:** Lundquist, Lieda F  
**Sent:** (b)(6) Friday, May 09, 2014 12:02 PM  
**To:** [Redacted]

**Cc:** Rodriguez, George E; Antoine, Bennie R; Fernandez, Troy Q; Dequiroz, Perfida; Hallam, Larry J; Baron, Joyce L; Merriweather, Wesley; Rubalcaba, Carmel J; Fries, Juliet M  
**Subject:** RE: CRIS Database: First & Last Names

Sounds good.

Thanks,  
*Lieda Lundquist*  
Supervisory Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3126

---

**From:** [Redacted] (b)(6)  
**Sent:** Friday, May 09, 2014 10:00 AM  
**To:** Sua, Mike T; [Redacted]

**Cc:** Lundquist, Lieda F; Rodriguez, George E; Antoine, Bennie R; Fernandez, Troy Q; Dequiroz, Perfida; Hallam, Larry J; Baron, Joyce L; Merriweather, Wesley; Rubalcaba, Carmel J  
**Subject:** RE: CRIS Database: First & Last Names

Team,

(b)(6)

All 6 of the mandatory fields are part of queries [Redacted] are completing to ensure all data is present and appears accurate. Because the first name is one of these fields, blanks will come up as errors in our queries. To eliminate redundant or unnecessary work, Larry offered a solution of having only specific clerks enter returned CIS review work and to use their windows id in the queries to filter out the appropriate blank first name filed entries.

This solution covers the concern and I'll ask that this be added to the query criteria.

Thank you, (b)(6)

[Redacted]

---

**From:** Sua, Mike T  
**Sent:** Thursday, May 08, 2014 5:22 PM

(b)(6)

To:

Cc:

Lundquist, Lieda F; Rodriguez, George E; Antoine, Bennie R; Fernandez, Troy Q; Dequiroz, Perfida; Hallam, Larry J; Baron, Joyce L; Merriweather, Wesley; Rubalcaba, Carmel J

Subject: RE: CRIS Database: First & Last Names

Per our conversation with [redacted] Juliet and Lieda, it was decided that applicants with one name will be entered in the "Last" name field only. It was suggested that we remove the restrictions for the first name field only and keep the restriction on the last name field. Nevertheless, all cases that list only one name, FNU, LNU or UNK for the beneficiary will be routed to CIS review for verification. If CIS review only finds one name, they have been advised to annotate a name for the Contractor to key in to the CRIS database last name field.

Should you have any further questions/comments, please advise.

Thanks,

*M. Sua*

Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3140

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From:

Sent: Thursday, May 08, 2014 2:17 PM

(b)(6)

To: Sua, Mike T;

Cc:

Lundquist, Lieda F; Rodriguez, George E; Antoine, Bennie R; Fernandez, Troy Q; Dequiroz, Perfida; Hallam, Larry J; Baron, Joyce L; Merriweather, Wesley; Rubalcaba, Carmel J

Subject: RE: CRIS Database: First & Last Names

Hi Mike,

Thank you for getting back to us.

Currently, both the bene first name and bene last name are required fields in the CRIS database. We would rather not turn off the requirement; rather, would it be possible to key the one name given in both the first and last name fields?

Also, we wanted to follow up on what to do if the beneficiary annotates, "FNU", "LNU", or "UNK" on the form, during the keying phase we have been told to key as we see. Do we need to follow the same rule for inputting into CRIS database, or should we be sending these cases to CIS review? If we do need to send these to CIS Review, can we anticipate that all responses back to us will be the same for these instances?

Thank you,

(b)(6)

[Redacted]

**From:** Sua, Mike T (b)(6)  
**Sent:** Thursday, May 08, 2014 1:01 PM

**To:** [Redacted]

**CC:** [Redacted] Lundquist, Lieda F; Rodriguez, George E; Antoine, Bennie R; Fernandez, Troy Q; Dequiroz, Perfida; Hallam, Larry J; Baron, Joyce L; Merriweather, Wesley; Rubalcaba, Carmel J  
**Subject:** FW: CRIS Database: First & Last Names  
**Importance:** High

SCOSS,

Moving forward on entering I-129s with single name in the CRIS database –

Per Gwen Liang - If there is only one name, please enter it as Last Name and leave First Name blank.

Thanks,

*M. Sua*

Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3140

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---

**From:** Fries, Juliet M  
**Sent:** Thursday, May 08, 2014 12:49 PM  
**To:** Lundquist, Lieda F; Sua, Mike T  
**Subject:** FW: CRIS Database: First & Last Names

Juliet M. Fries  
Section Chief/COR III Records/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** Liang, Gwen  
**Sent:** Thursday, May 08, 2014 12:27 PM  
**To:** Fries, Juliet M  
**Cc:** Peck, Denis R  
**Subject:** RE: CRIS Database: First & Last Names

If there is only one name, please enter it as Last Name and leave First Name blank.  
Thank you!

*Gwen Liang*

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

---

**From:** Fries, Juliet M  
**Sent:** Thursday, May 08, 2014 11:42 AM  
**To:** Liang, Gwen  
**Cc:** Peck, Denis R  
**Subject:** FW: CRIS Database: First & Last Names  
**Importance:** High

Gwen,  
Please advise how to handle these cases when applicants only provide one name.

Juliet M. Fries  
Section Chief/COR III Records/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** Sua, Mike T  
**Sent:** Wednesday, May 07, 2014 11:07 AM  
**To:** Fries, Juliet M  
**Cc:** Lundquist, Lieda F; Rodriguez, George E; Antoine, Bennie R;

(b)(6)

**Subject:** CRIS Database: First & Last Names  
**Importance:** High

Juliet,  
The Contractor has a question regarding missing first or last names, when keying rejects into the CRIS database. If the beneficiary does not provide a last or first name, the Contractor will send the case to CIS review. However, if the beneficiary annotates, "FNU", "LNU", or "UNK", the Contractor has been told to key as they see. Does the Contractor need to follow the same rule for inputting into CRIS database, or send the case to CIS review? Please advise.

Thanks,  
*M. Sua*  
Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3140

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## Jaynes, Thomas A

---

**From:** Fierro, Joseph  
**Sent:** Monday, March 31, 2014 12:05 PM  
**To:** Lundquist, Lieda F  
**Cc:** Fries, Juliet M; Sua, Mike T; Tamanaha, Emisa T; Baltaretu, Cristina G; Rodriguez, George E; Antoine, Bennie R; Dequiroz, Perfida; Hallam, Larry J; Fernandez, Troy Q; Chong, Jenny  
**Subject:** RE: Rejections

This look right to me.

---

**From:** Lundquist, Lieda F  
**Sent:** Monday, March 31, 2014 9:51 AM  
**To:** Fierro, Joseph  
**Cc:** Fries, Juliet M; Sua, Mike T; Tamanaha, Emisa T; Baltaretu, Cristina G; Rodriguez, George E; Antoine, Bennie R; Dequiroz, Perfida; Hallam, Larry J; Fernandez, Troy Q; Chong, Jenny  
**Subject:** RE: Rejections  
**Importance:** High

Joe,

Prior to responding to HQ, regarding the beneficiary's missing information, please advise if you concur.

- If page 3 is completely missing the beneficiary information (**Name, DOB, COC, etc.**), the I-129 filing will be rejected for improper filing.
- If page 3 is only missing the **DOB** and we are unable to locate the information within the packet, the I-129 will be rejected for improper filing.
- If page 3 is missing both **COC** and **COB** and we are unable to locate the information within the packet, the I-129 will be rejected for improper filing.
- If page 3 is missing either the **COC** or the **COB**, the I-129 filing will be accepted.

Thanks,

*Lieda Lundquist*

Supervisory Immigration Service Analyst

USCIS | California Service Center

 949.389.3126

---

**From:** Fries, Juliet M  
**Sent:** Monday, March 31, 2014 8:22 AM  
**To:** Lundquist, Lieda F  
**Subject:** Fw: Rejections

-----  
Sent from my BlackBerry Wireless Device

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**From:** Doumani, Stephanie M  
**Sent:** Monday, March 31, 2014 08:07 AM  
**To:** Fries, Juliet M; Nicholson, Richard E

**Cc:** Peck, Denis R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R

**Subject:** Rejections

Good Morning,

During last week's call, VSC discussed their current practice set in place in terms of rejecting petitions when one or more of the following fields are missing:

- Name
- Date of Birth
- Country of Birth
- Country of Citizenship

Can you please provide us with CSC's protocol in terms of which field(s) are missing when you reject a case?

Thank you,

*Stephanie Doumani*

Service Center Operations

Business Employment Services Team

202-272-1524 Desk

(b)(6)

 [Stephanie.W.Doumani@uscis.dhs.gov](mailto:Stephanie.W.Doumani@uscis.dhs.gov)

**Jaynes, Thomas A**

---

**From:** Fierro, Joseph  
**Sent:** Friday, April 25, 2014 10:16 AM  
**To:** Sua, Mike T; Baltaretu, Cristina G  
**Cc:** Lundquist, Lieda F; Antoine, Bennie R; Rodriguez, George E; Fernandez, Troy Q; Dequiroz, Perfida; [redacted] Chong, Jenny; Tamanaha, Emisa T; Fries, Juliet M (b)(6)  
**Subject:** RE: Updated Key Dates and Actions and Questions

No, it will not invalidate the LCA.

---

**From:** Sua, Mike T  
**Sent:** Thursday, April 24, 2014 5:26 PM  
**To:** Fierro, Joseph; Baltaretu, Cristina G  
**Cc:** Lundquist, Lieda F; Antoine, Bennie R; Rodriguez, George E; Fernandez, Troy Q; Dequiroz, Perfida; [redacted] Chong, Jenny; Tamanaha, Emisa T; Fries, Juliet M (b)(6)  
**Subject:** RE: Updated Key Dates and Actions and Questions

Joe & Cristina,

Please provide clarification to our question highlighted below.

Thanks,

*M. Sua*

Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3140

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---

**From:** Sua, Mike T (b)(6)  
**Sent:** Friday, March 28, 2014 5:20 PM  
**To:** Fierro, Joseph; Baltaretu, Cristina G  
**Cc:** Lundquist, Lieda F; Antoine, Bennie R; Rodriguez, George E; Fernandez, Troy Q; Dequiroz, Perfida; [redacted] CTR); Chong, Jenny; Tamanaha, Emisa T; Fries, Juliet M  
**Subject:** FW: Updated Key Dates and Actions and Questions

Joe & Cristina,

Please review the guidelines listed below regarding the use of the two different CAP reject stamps. Please advise if you concur.

**CAP Rejects Stamps**

The stamps will be used for CAP winners that fall under the following criterias:

- **"Received [date] CSC"** stamp will be used on rejected CAP cases with missing I-129 page(s) or \*LCA page(s). Prior to rejecting the case, all pages of the I-129 and/or LCA will be stamped on the lower right hand corner along with clerk's ID#.
- **"Missing Signature [date] CSC"** stamp will be used on rejected CAP cases when the required signature on the I-129 and/or the \*LCA is missing. The Contractor will circle the signature line in red and stamp on the lower right hand corner along with the clerk's ID#.

**\*Please clarify that if we stamp the LCA, will the LCA become invalid?**

Thanks,

*M. Sua*

Immigration Service Analyst

USCIS | California Service Center

☎: 949.389.3140

**From:** [redacted] (b)(6)

**Sent:** Thursday, March 27, 2014 4:05 PM

**To:** Lundquist, Lieda F; Sua, Mike T; Fernandez, Troy O; Deguiroz, Perfida; Antoine, Bennie R; Rodriguez, George E; Hallam, Larry J; [redacted]

**Subject:** Updated Key Dates and Actions and Questions

Here are updated documents. The only pending item for CPAU is the instructions for the two stamps (missing pages and missing signature).

We are also watching the slip printers for the DE workstations, x-ray scanner movement, large trash container and the west gate key card.

Thank you,

[redacted]

(b)(6)

# I-129 CAP

## REJECT CHECK LIST

- 1 - Employment Start Date before 10-1-14.
- 2- Fee not required (BORDER PATROL SECURITY FEE; Extra Fee).
- 3 - **Missing Fee(s):** Filing Fee (\$325); Anti-Fraud Fee (\$500); Border Patrol Security Fee (\$2,000); Acwia Fee (\$750/\$1,500). Or incorrect fee; Wrong written amount.
- 4 - Jurisdiction.
- 5 - **Signature:** Missing or Copy Signature on page 6. Sign by beneficiary.
- 6 - Missing Application or Petition.
- 7 - Missing Page(s) \_\_\_\_\_
- 8 - Missing LCA; Missing LCA page(s) \_\_\_\_\_
- 9 - LCA Missing: Petitioner's signature / DOL Official's signature without CERTIFIED.
- 10 - Old Revision.
- 11 - Others: \_\_\_\_\_

Clerk ID# \_\_\_\_\_

Date: \_\_\_\_\_

## I-907 CAP REJECT CHECK LIST

- 1 - Old Revision.
- 2- **Fee:** Incorrect Fee; Missing Fee; Wrong written amount.
- 3 - **Signature:** Missing or Copy Signature. Signed by Attorney with invalid G-28. Signed by beneficiary.
- 4 - Others: \_\_\_\_\_

## I-539 CAP REJECT CHECK LIST

- 1 - Old Revision.
- 2- **Fee:** Incorrect Fee; Missing Fee; Wrong written amount.
- 3 - **Signature:** Missing or Copy Signature. Not sign by applicant (Over 14 yrs old)
- 4 - Others: \_\_\_\_\_

Rev 2 4/4/2013

**Jaynes, Thomas A**

---

**From:** Doumani, Stephanie M  
**Sent:** Tuesday, March 25, 2014 5:24 PM  
**To:** Canney, Keith J; Tamanaha, Emisa T; Boudreau, Lynn A; Loughlin, Stephen J; Nicholson, Richard E; Fries, Juliet M; Ryan, Carrie A; Lussier, Marcy R; Larose, Ronald W; Whittier, Michelle J; Chong, Jenny; Baltaretu, Cristina G; Fierro, Joseph  
**Cc:** Peck, Denis R; Fedak, Orest S; Tu, David J; Liang, Gwen; Bacote, Robert R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** Revised Rejection Letter  
**Attachments:** Letter - selected in RNG rejected for improper filing SCOPS UPDATE 3 25 2014.doc  
**Categories:** Yellow Category


VSC and CSC,

We have made a few edits to the "Rejection Letter (Selected in RNG and Rejected for Improper Filing)" document.

Please use the attached document in place of the prior version.

If you have any questions or concerns, please let me know.

Thank you,

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk (b)(6)  
  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

Comment [LA1]: VSC: Please change letterhead.



U.S. Citizenship  
and Immigration  
Services

Date:

Form No. I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY15 closed on April 7, 2014.

1.  You submitted your I-129 H-1B petition/H-1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2.  You did not include the H-1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3.  The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4.  Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5.  Your I-129 was not properly signed.
6.  The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be
  - A. \$750 (ACWIA Fee for a company with 25 employees or less).
  - B. \$1,500 (ACWIA Fee for a company with 26 employees or more).
  - C. \$500 Fraud Prevention and Detection Fee.
  - D. \$325 I-129 base fee
  - E. \$2000 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
6.  The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
7.  Your I-129 petition subject to FY 15 cap must not have an employment date earlier than 10/01/2014.
78.  Incomplete petition. Page(s) \_\_\_\_\_ missing. Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_ missing incorrect/missing information.
89.  Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.
910.  Your I-129 H-1B Chile/Singapore cap petition may only be filed at Vermont Service Center.
4011.  OTHER: \_\_\_\_\_

Formatted: Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 +  
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0.25" + Indent at: 0.25"

(b)(5)

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Numbering Style: 1, 2, 3, ... + Start at: 1 +  
Alignment: Left + Aligned at: 0" + Tab after:  
0.25" + Indent at: 0.25"

Sincerely,

SERVICE CENTER DIRECTOR

DRAFT

**Jaynes, Thomas A**

---

**From:** Peck, Denis R  
**Sent:** Monday, January 12, 2015 10:29 AM  
**To:** Doumani, Stephanie M  
**Subject:** FW: External Cap Documents// FY15 CAP 1 of 16  
**Attachments:** FY15 Optional Checklist.doc; FY15 Cap Count Webpage.docm; USCIS Update (cap season start).doc; USCIS Update (cap still open).doc; USCIS Update (H-1B cap Met).doc

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

---

**From:** Doumani, Stephanie M  
**Sent:** Tuesday, January 28, 2014 5:10 PM  
**To:** Canney, Keith J; Tamanaha, Emisa T; Boudreau, Lynn A; Loughlin, Stephen J; Nicholson, Richard E; Fries, Juliet M; Ryan, Carrie A; Lussier, Marcy R; Larosé, Ronald W; Whittier, Michelle J; Chong, Jenny; Baltaretu, Cristina G; Fierro, Joseph  
**Cc:** Tynan, Natalie S; Peck, Denis R; Fedak, Orest S; Tu, David J; Liang, Gwen; Bacote, Robert R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R; Boyd-Butler, Jacqueline A; Westra, Michelle M  
**Subject:** External Cap Documents


VSC and CSC

In addition to the internal cap documents we sent yesterday, we have also attached copies of external cap documents for your review. We again request that each service center edit the documents using the "Track Changes" feature in word and consolidate the edits/ comments on to one version for each document.

If possible, we would like to receive these documents by COB 2/3.

If you have any questions or concerns, please let us know.

Thank you.

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk (b)(6)  
  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

## Optional Checklist for Form I-129 H-1B Filings

*This is an optional checklist to assist FY 2015 H-1B petitioners submit an I-129 H-1B petition.*

*Do not submit this checklist to USCIS.*

---

All checks or money orders are signed and made payable to the "U.S. Department of Homeland Security." If the petition is submitted with the wrong filing fee, it will be rejected as improperly filed. **If one or more of the required checks are returned due to insufficient filing fees, the H-1B petition will be rejected and will NOT retain the original filing date.** H-1B cap petitions with insufficient filing fees will be given a new filing date on the day the fee deficiency is corrected, as long as the cap has not been met. If the new filing date is after the numerical cap has been met, the petition will be rejected.

---

Proper fees are enclosed:

- Base fee of **\$325**
- ACWIA fee of **\$750/\$1,500** (if/as applicable)
- Fraud Prevention and Detection fee of **\$500** (if applicable)
- Public Law 111-230 fee of **\$2,000** (if applicable)
- Premium Processing Service fee of **\$1,225** (if applicable)

---

Petition includes original signatures (preferably in black ink) on **Pages 6, 7, 10** (if applicable) and **12** of Form I-129 (with a revision date of 11/23/10 or later).

---

All sections of the Form I-129, H-1 Classification Supplement to Form I-129, and H-1B Data Collection and Filing Fee Exemption Supplement (with revision date of 11/23/10 or later) are completed and all required pages are enclosed.

---

Form I-907 (with revision date of 8/10/09 or later) is completed, signed in the original, and enclosed if seeking Premium Processing Service.

---

A corresponding certified Department of Labor (DOL) Labor Condition Application (LCA) is signed by petitioner and enclosed.

---

Petition is being mailed with appropriate labels to the California Service Center (CSC) or Vermont Service Center (VSC) consistent with filing jurisdictions and instructions listed at [www.uscis.gov](http://www.uscis.gov).

---

All questions on Form I-129, H-1B Data Collection and Filing Fee Exemption Supplement (with a revision date of 11/23/10 or later), **Pages 17 through 19**, (particularly those in **Part C**) are answered correctly.

---

**H-1B Regular Cap**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Includes current H-1Bs that were previously cap exempt and are now seeking to change to cap-subject employment.
  3. Check the box for **1a** on **Part C** of **Page 18**.
- 

**H-1B Advanced Degree Exemption**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary has earned a master's (or higher) degree from a U.S. educational institution.
  3. Check the box for **1b** on **Part C** of **Page 18** and complete **Question 2, Part C** on **Page 18**.
- 

**Chile/Singapore H-1B1 Cap**

1. Requested start date for a FY 2015 H-1B1 must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary is a national of Chile or Singapore.
  3. Check the box for **1c** on **Part C** of **Page 18**.
  4. Complete and submit **Page 10**, Trade Agreement Supplement to Form I-129.
- 

**H-1B Cap-Exempt or Non-Cap H-1B Extension of Stay**

1. If the petitioner is cap exempt or otherwise not cap-subject, check the box for **1d** on **Part C** of **Page 18** and complete **Question 3, Part C** on **Pages 18 and 19**.
  2. Includes current H-1Bs that were previously counted towards the cap.
  3. Includes amended petitions where the petitioner is seeking to notify USCIS of changes to employment conditions of a current H-1B beneficiary.
-



U.S. Citizenship  
and Immigration  
Services

Office of Communications

# USCIS Update



## USCIS Reaches FY2015 H-1B Cap

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2015. USCIS has also received more than 20,000 H-1B petitions filed on behalf of persons exempt from the cap under the advanced degree exemption.

Before running the random selection process, USCIS will complete initial data entry for all filings received during the filing period ending on April 7, 2014. Due to the high number of petitions, USCIS is not yet able to announce the precise day on which it will conduct the random selection process.

USCIS will carry out the computer-generated random selection process for all cap-subject petitions received. USCIS will select the number of petitions needed to meet the caps of 65,000 for the general category and 20,000 under the advanced degree exemption limit. USCIS will reject, and return filing fees for all cap-subject petitions which are not randomly selected, unless found to be a duplicate filing.

The agency will conduct the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected will be part of the random selection process for the 65,000 limit.

USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Pursuant to the Immigrant and Nationality Act, petitions filed on behalf of current H-1B workers who have been counted previously against the cap will not be counted towards the congressionally-mandated FY 2015 H-1B cap. Accordingly, USCIS will continue to accept and process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the U.S.;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields including, but not limited to: scientists, engineers, or computer programmers.

For more information on USCIS and its programs, please visit [www.uscis.gov](http://www.uscis.gov) or follow us on Twitter (@uscis), YouTube (/uscis) and the USCIS blog *The Beacon*.

# H-1B Fiscal Year (FY) 2015 Cap Season

## The H-1B Program

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including but not limited to: scientists, engineers, or computer programmers.

For more information about the H-1B program, see the link to the left under temporary workers for H-1B Specialty Occupations and Fashion Models.

## How USCIS Determines if an H-1B Petition is Subject to the FY 2015 Cap

We use the information provided in Part C of the H-1B Data Collection and Filing Fee Exemption Supplement (Form I-129, pages 17 through 19, with a revision date of November 23, 2010, or later) to determine whether a petition is subject to the 65,000 H-1B numerical limitation (the "cap"). Some petitions are exempt from the cap under the advanced degree exemption provided to the first 20,000 petitions filed for a beneficiary who has obtained a U.S. master's degree or higher. Unless otherwise exempt from the cap, petitions filed on behalf of beneficiaries who have obtained a U.S. master's degree or higher will be counted against the regular cap once USCIS has received sufficient petitions to reach the advanced degree exemption.

## FY 2015 H-1B Cap Count

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000		
H-1B Master's Exemption	20,000		

## Cap Eligible Petitions

This is the number of petitions that USCIS has accepted for this particular type of cap. It includes cases that have been approved or are still pending. It does not include petitions that have been denied.

## Cap Amounts

The current annual cap on the H-1B category is 65,000. Not all H-1B nonimmigrants are subject to this annual cap. Please note that up to 6,800 visas are set aside from the cap of 65,000 during each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Unused numbers in this pool are made available for H-1B use for the next fiscal year.

## When to File an FY 2015 H-1B Cap-Subject Petition

We will begin accepting H-1B petitions that are subject to the FY 2015 cap on April 1, 2014. You may file an H-1B petition no more than 6 months in advance of the requested start date.

## How to Ensure USCIS Considers Your H-1B Cap-Subject Petition Properly Filed

Please comply with the following to ensure that your petition is properly filed:

- Complete all sections of the Form I-129 petition, including the H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129) and the H-1B Data Collection and Filing Fee Exemption Supplement (pages 17 through 19). We accept Form I-129 with a revision date of November 23, 2010, or later.
- Original signatures, preferably in black ink, are required on each form.
- Include a signed check or money order with the correct fee amount.
- Ensure that all required documentation and evidence is submitted with the petition at the time of filing to ensure timely processing.

**Note:** It is your responsibility to ensure that Form I-129 is completed accurately. Failure to complete Form I-129 with the correct information and provide the required fees or documentation may result in the rejection or denial of the H-1B petition.

Additionally, be sure to file the petition at the correct USCIS Service Center. See section below on **"Where to Mail Your H-1B Cap-Subject Petition."**

## **Additional Documents Required With Your Petition**

### **Labor Condition Application (LCA)**

You must submit a certified Department of Labor (DOL) LCA (Form ETA 9035) at the time of filing your petition. A copy of the LCA is acceptable.

Note: USCIS encourages petitioners to keep DOL LCA processing times in mind when preparing the H-1B petition and plan accordingly. If the LCA certified by DOL is for multiple positions, you must provide the name and USCIS case receipt number of any alien who has previously utilized the LCA.

Petitioners should be sure to sign the LCA prior to submitting it with the petition to USCIS.

Please see Department of Labor's [Office of Foreign Labor Certification](#) website for further information on the LCA process.

### **Evidence of Beneficiary's Educational Background**

You must submit evidence of the beneficiary's education credentials at the time of filing. If all of the requirements for the degree have been met, but the degree has not yet been awarded, the following alternate evidence may be submitted:

- A copy of the beneficiary's final transcript; or
- A letter from the Registrar confirming that all of the degree requirements have been met (if the educational institution does not have a Registrar, such letter must be signed by the person in charge of the educational records where the degree will be awarded).

If you are indicating that the beneficiary is qualified based on a combination of education and experience, please provide substantiating evidence at time of filing.

### **A Duplicate Copy of the H-1B Petition**

You must submit a duplicate copy of your H-1B petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable) if the beneficiary will be applying for a nonimmigrant visa abroad. USCIS will not make a second copy if one is not provided.

You may also choose to submit a duplicate copy of the petition any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable), even if the beneficiary is requesting a change of status to H-1B or an extension of stay, in case the beneficiary later decides to seek visa issuance

abroad or the H-1B petition is approved but the beneficiary's concurrent change of status or extension of stay request is denied.

You may review the [Department of State](#) website to make sure that the consulate indicated on Form I-129 is able to process the beneficiary's nonimmigrant visa application and for any other consulate-specific special instructions.

## Multiple or Duplicative Filings

On March 19, 2008, USCIS announced an interim final rule on H-1Bs to prohibit employers from filing multiple or duplicative H-1B petitions for the same employee. To ensure fair and orderly distribution of available H-1Bs, USCIS will deny or revoke multiple or duplicative petitions filed by an employer for the same H-1B worker and will not refund the filing fees submitted with multiple or duplicative petitions.

## Where to Mail Your H-1B Cap-Subject Petition

You must file your petition at the correct Service Center depending on the jurisdiction of the H-1B beneficiary's work location(s) as specified in the petition. We have established specific mailing addresses for purposes of identification and processing of H-1B cap-subject cases.

To determine which jurisdiction you are in, see our Web page [Direct Filing Addresses for Form I-129, Petition for Nonimmigrant Worker](#).

Note: A separate mailing address has been established for certain types of educational or nonprofit organizations which file H-1B petitions on behalf of beneficiaries that are exempt from the H-1B numerical limitations.

Please read the filing instructions very carefully. If you file your petition incorrectly, we will reject the petition. Rejected petitions will not retain a filing date and will not be counted toward the H-1B cap.

## Required Fees

There are different fees depending on the type of H-1B petition you are submitting. Please refer to *H-1B Data Collection and Filing Fee Exemption Supplement* (pages 17-19 of Form I-129) for detailed instructions on fees.

The following fees may be required with a cap-subject petition:

Base filing fee:

- \$325

**American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee:**

(see *H-1B Data Collection and Filing Fee Exemption Supplement*, Part B):

- \$750 for employers with 1 to 25 full-time equivalent employees, unless exempt
- \$1,500 for employers with 26 or more full-time equivalent employees, unless exempt

**Fraud Prevention and Detection fee:**

- \$500 to be submitted with a request for initial H-1B status or with a request for a beneficiary already in H-1B status to change employers (does not apply to Chile/Singapore H-1B1 petitions)

**Public Law 111-230:**

- \$2,000 to be submitted by a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
- must be submitted with a request for initial H-1B status or a request for a beneficiary already in H-1B status to change employers

**Premium Processing fee:**

- \$1,225 for employers seeking Premium Processing Service

**Checks**

Make checks payable to the Department of Homeland Security or U.S. Citizenship and Immigration Services, dated within the last 6-months, and include the proper guarantee amount and signature.

**Money Orders**

Money orders must be properly endorsed.

**Non-payable Checks or Other Financial Instruments**

USCIS will reject all applications or petitions submitted with the incorrect filing fee. Rejected petitions and petitions in which the check or other financial instrument used to pay the filing fee is returned as non-payable will not retain a filing date. See 8 CFR 103.2(a)(7)(i).

While petitioners are generally provided the opportunity to correct a fee deficiency, pursuant to the regulations, the filing date is not established until and unless the fee deficiency has been corrected. H-1B cap-subject petitions with non-payable fees will be given a new filing date the day the fee deficiency has

been corrected, as long as the cap has not been met. If the new filing date is after the cap has been met, the petition will be rejected.

## **Premium Processing Service**

H-1B petitions are eligible for the Premium Processing Service. Petitioners may choose to file a Request for Premium Processing Service (Form I-907) to have their petition processed within 15 calendar days. To request premium processing submit:

- the Form I-907 and
- the filing fee of \$1,225 (this fee is in addition to the required base filing and other applicable fees and cannot be waived).

You can file the Form I-907 and corresponding fee:

- at the same time as Form I-129 or
- at any time after you file Form I-129 while it is still pending.

If filed after the Form I-129, be sure to include the receipt number (e.g., EAC 12 123 51234) of the Form I-129 in the pertinent section of Form I-907.

**Note:** We will only accept the 08/10/09N (or later) edition of Form I-907.

Please see the link to the right for more information concerning the Premium Processing program.

## **Organizing your H-1B package**

Clearly label all H-1B cap cases, preferably in red ink, on the top margin of Form I-129. Use the following codes:

- Regular Cap (65,000 regular cap cases, not including Chile/Singapore cap cases)
- C/S Cap (Chile/Singapore H-1B1s)
- U.S. Master's (20,000 exemption for beneficiaries with U.S. master's or higher degrees)

A separate check for each applicable filing fee (Form I-129, Premium Processing, Fraud Fee, ACWIA fee, and Public Law 111-230) is preferred. Applicable fees should be stapled to the bottom right corner of the top document.

**Preferred order of documents at time of submission:**

- Form I-907 (if filing for Premium Processing Service)
- Form G-28 (if represented by an attorney or accredited representative)
- Form I-129, Petition for a Nonimmigrant Worker
- Addendums/Attachments
- H Classification Supplement to Form I-129 and/or Free Trade Supplement (for H-1B1 Chile-Singapore petitions)
- H-1B Data Collection and Filing Fee Exemption Supplement
- All supporting documentation to establish eligibility
- Provide a Table of Contents for supporting documentation
  - Tab items as listed in Table of Contents
  - Arrival-Departure Record (Form I-94) if the beneficiary is in the U.S.
  - SEVIS Form I-20 if the beneficiary is a current or former F-1 student or F-2 dependent
  - SEVIS Form DS-2019 if the beneficiary is a current or former J-1 or J-2
  - Form I-566 if the beneficiary is a current A or G nonimmigrant
  - DOL certified LCA, Form ETA 9035
  - Employer/attorney/representative letter(s); and
  - Other supporting documentation.
- Duplicate copy of the petition, if necessary. Clearly identify the duplicate copy of the petition as "COPY", so that it is not mistaken for a duplicate filing.

**How to mail multiple petitions together**

If multiple petitions will be included in the same courier service or Post Office package, please place individual petitions into separate envelopes within the package. Individual petition envelopes should be marked with the following labels to reference the type of petition:

- Master's Premium
- Master's
- Regular Premium
- Regular
- Chile/Singapore

## **Filing Tips:**

### **Form G-28, Notice of Entry of Appearance as Attorney or Representative**

If the petitioner will be represented by an attorney or other accredited representative, a properly executed Form G-28 should be submitted. Each Form G-28 should include the following:

- All sections completed
- The printed name and signature of the representative
- The original signature of the petitioner.

### **Form I-129, Petition for a Nonimmigrant Worker**

- Complete all sections of the form accurately.
- H-1B cap petitions and advanced degree exemption petitions for the FY15 cap must include an employment start date of no earlier than October 1, 2015. H-1B petitions requesting an earlier employment start date or a start date of "As Soon As Possible" or "ASAP" will be rejected.
- Ensure that the petition is properly signed. Please see the Related Links section for more information on properly signing the petition.
- Petitioners should enter their own address in Part 1, question 3 of the Form I-129 to ensure that the I-797 receipt and approval notices are sent to the petitioner.

Please note: Using an address other than the petitioner's address as the mailing address may cause processing delays related to the Validation Instrument for Business Enterprises (VIBE), as VIBE automatically uses the address provided on the petition to validate the petitioner's current location. If petitioners use an attorney's address as the mailing address on the I-129 petition, a cover letter should be included with the filing that clearly indicates the current address of the petitioner. This information will be used to assist the Immigration Services Officer (ISO) in completing a manual check in VIBE using the petitioner's address. In addition, if an attorney's address is used as the petitioner's mailing address on the form, the petitioner will not receive any I-797 notices.

- Ensure the beneficiary's name is spelled properly and that his/her date of birth is displayed in the proper format (mm/dd/yyyy). Also, country of birth/citizenship and the I-94 number (if applicable) should be reviewed for accuracy.

- If the beneficiary will ultimately be seeking issuance of a visa at a consular office abroad, a copy of the petition and supporting documentation should be included with the filing. For cases where the beneficiary will be seeking a change of status or extension of stay in the United States, you may still choose to submit a duplicate copy in the event the beneficiary will be seeking issuance of a visa at a consular office abroad subsequent to the approval of the change of status or extension of stay is suggested, but not necessary.
- If the beneficiary is seeking an extension or change of status, the petition should include evidence (e.g. Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.
- Include a copy of the beneficiary's valid passport.

#### **H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- In listing previous periods of stay in H/L classification (question 3), please also include the actual nonimmigrant classification held (e.g. H-1B or L-1).
- Petitioner must sign the form, preferably in black ink.

#### **H-1B Data Collection and Filing Fee Supplement form (pages 17 through 19 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- Please enclose page 17 through 19 of the Form I-129 (with a revision date of November 23, 2010 or later).
- Be sure to answer appropriately in Part A, question 2 and Part C, question 2 if the beneficiary has earned a master's degree or higher from a U.S. educational institution as defined in 20 U.S.C. 1001(a).
- If the answer to the first question in Part D on page 19 is "No," that the beneficiary will not be assigned to work at an off-site location, then responses to the remaining two questions in Part D are not required.

#### **Form I-907, Request for Premium Processing**

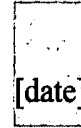
- Please be sure to complete all sections of the form accurately with original signatures. Note: We will accept the 08/10/09 edition of Form I-907 (or later).
- The representative may sign in both Parts 3 and 4 of the Form I-907 if there is a valid Form G-28 with the filing. Otherwise, the petitioner's signature is required. Preferably, the signature(s) should be in black ink.
- Please include a copy of the Form I-129 receipt notice along with the Form I-907 when Form I-907 is filed after the filing of Form I-129.



U.S. Citizenship  
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# USCIS Update



## **USCIS to Accept H-1B Petitions for Fiscal Year 2015 Beginning April 1, 2014** *Petitioners are Reminded to Follow Regulatory Requirements*

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) announced today that it will begin accepting H-1B petitions subject to the Fiscal Year (FY) 2015 cap on Monday April 1, 2014. Cases will be considered accepted on the date that USCIS takes possession of a properly filed petition with the correct fee. USCIS will not rely upon the date that the petition is postmarked.

The numerical limitation on H-1B petitions for FY 2015 continues to be 65,000. Additionally, the first 20,000 H-1B petitions filed on behalf of individuals who have earned a U.S. master's degree or higher are exempt from the fiscal year cap.

USCIS will monitor the number of petitions received and will notify the public of the date on which USCIS received the necessary number of petitions to meet the H-1B cap. If needed, USCIS will randomly select the number of petitions required to reach the numerical limit from the petitions received on the final receipt date. USCIS will reject cap-subject petitions that are not selected, as well as those received after the final receipt date.

Petitions for new H-1B employment are exempt from the annual cap if the beneficiaries will work at institutions of higher education or related or affiliated nonprofit entities, nonprofit research organizations or governmental research organizations. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Marianas Islands are exempt from the cap until December 31, 2014. Employers may continue to file petitions for these cap-exempt H-1B categories seeking work dates starting in FY 2014.

Petitions filed on behalf of current H-1B workers who have been counted previously against the cap also do not count towards the congressionally mandated H-1B cap. Accordingly, USCIS will continue to process FY 2014 petitions filed to:

- extend the amount of time a current H-1B worker may remain in the United States;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; or
- allow current H-1B workers to work concurrently in a second H-1B position.

H-1B petitioners should follow all statutory and regulatory requirements as they prepare petitions to avoid delays in processing and possible requests for evidence. USCIS has developed detailed information, including a processing worksheet, to assist in the completion and submission of a FY2015 H-1B petition, which can be found on our website.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including, but not limited to: scientists, engineers, or computer programmers.

For more information on the H-1B nonimmigrant visa program and current Form I-129 processing times, visit [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at (800) 375-5283.

- USCIS -



Office of Communications  
U.S. Citizenship  
and Immigration  
Services

# USCIS Update

[DATE]

## USCIS Continues to Accept FY 2015 H-1B Petitions

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) today announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2015 cap. The agency began accepting these petitions on April 1, 2014.

USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. master's degree or higher cap exemption.

USCIS has received approximately (XXXXX) H-1B petitions counting toward the 65,000 cap, and approximately (XXXX) petitions toward the 20,000 cap exemption for individuals with advanced degrees.

Comment [LA1]: To be inserted prior to release of the update.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise. Such workers include scientists, engineers, and computer programmers, among others.

USCIS will provide regular updates on the progress of FY 2015 H-1B petitions. These updates and helpful filing information can be found at USCIS's website highlighting the H-1B program. Should USCIS receive the number of petitions needed to meet the cap, it will issue an update advising the public that the FY 2015 H-1B cap has been met as of a certain date, known as the "final receipt date."

The date USCIS informs the public that the cap has been reached may differ from the actual final receipt date.

If necessary, USCIS may randomly select the number of petitions received on the final receipt date that will be considered for final inclusion within the cap. The agency will reject petitions subject to the cap that are not selected, as well as those received after the final receipt date. Whether a petition is received by the final receipt date will be based on the date USCIS physically receives the properly filed petition, not the date that the petition was postmarked.

Cases for premium processing (faster processing of certain employment-based petitions and applications) of H-1B petitions filed during an initial five-day filing window are undergoing a 15-day processing period that began April [insert date]. For all other H-1B petitions filed for premium processing, the processing period begins on the date that the properly filed petition is physically received at the correct USCIS Service Center.

Meanwhile, petitions filed by employers who are exempt from the cap, as well as petitions filed on behalf of current H-1B workers who have been counted previously against the cap within the past six years, will not count toward the cap.

For more information on USCIS and its programs, visit [www.uscis.gov](http://www.uscis.gov).

- USCIS -

**Jaynes, Thomas A**

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**From:** Peck, Denis R  
**Sent:** Monday, January 12, 2015 10:30 AM  
**To:** Doumani, Stephanie M  
**Subject:** FW: FY15 CAP Rejects Handling/ Primary reasons at CSC for rejecting H1B // FY15 CAP 3 of 16

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

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**From:** Loughlin, Stephen J  
**Sent:** Friday, February 14, 2014 11:07 AM  
**To:** Fries, Juliet M; Peck, Denis R  
**Cc:** Cox, Sophia; Aucoin, Lauren J; Sweeney, Shelly A; Doumani, Stephanie M; King, Alexander R; Tu, David J; Hallam, Larry J; Lundquist, Lieda F; Sua, Mike T; Dequiroz, Perfida  
**Subject:** RE: FY15 CAP Rejects Handling/ Primary reasons at CSC for rejecting H1B

VSC Agrees.

*Stephen J. Loughlin*  
Section Chief, COR III  
U.S. Citizenship & Immigration Services  
U.S. Department of Homeland Security  
(802) 527-4700 ext. 4763

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**From:** Fries, Juliet M  
**Sent:** Friday, February 14, 2014 11:05 AM  
**To:** Peck, Denis R  
**Cc:** Loughlin, Stephen J; Cox, Sophia; Aucoin, Lauren J; Sweeney, Shelly A; Doumani, Stephanie M; King, Alexander R; Tu, David J; Hallam, Larry J; Lundquist, Lieda F; Sua, Mike T; Dequiroz, Perfida  
**Subject:** RE: FY15 CAP Rejects Handling/ Primary reasons at CSC for rejecting H1B

Denis,  
There are many possibilities when it comes to substituting pages. However where jurisdiction is concerned, they would have to change the worksite information throughout the document so it is unlikely they would substitute a different page for that scenario.

Juliet M Fries  
Section Chief/COR III – Records/AST/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

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**From:** Peck, Denis R  
**Sent:** Friday, February 14, 2014 7:39 AM  
**To:** Fries, Juliet M  
**Cc:** Loughlin, Stephen J; Cox, Sophia; Aucoin, Lauren J; Sweeney, Shelly A; Doumani, Stephanie M; King, Alexander R; Tu, David J  
**Subject:** RE: FY15 CAP Rejects Handling/ Primary reasons at CSC for rejecting H1B

Juliet,

Thank you, we'll study this, here for using during this year.

There's no possibility of substituting a different page with a different address to get around the jurisdiction rejection ?

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

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**From:** Fries, Juliet M  
**Sent:** Thursday, February 13, 2014 1:06 PM  
**To:** Peck, Denis R  
**Cc:** Loughlin, Stephen J  
**Subject:** FW: FY15 CAP Rejects Handling  
**Importance:** High

Denis,

I wanted to run our plan by you for your concurrence regarding the CAP rejects for the upcoming CAP Season. My understanding is that VSC does something similar.

Last year the CSC had 1,124 rejects from amongst those petitions that had been selected in the lottery. I have included a spreadsheet that summarizes the top 7 reject reasons, and these represented 1,004 of the rejects. Within the remaining 120 rejects were all manner of reasons including Wrong Payee, White Out on Check(s), Stale Dated Check(s), Master's CAP Degree Not Earned in US, etc.

Understanding that we are attempting to "validate" the reject so that it cannot be argued that the error was on the government's part rather than that of the petitioner, I propose

[Redacted]

(b)(5)

[Redacted]

<b>Circle &amp; Stamp</b>	[Redacted]
---------------------------	------------

(b)(5)

Circle & Stamp	
Circle & Stamp	
Stamp	
335	
30%	

Please advise if you have any questions regarding this proposal and if you concur.

Thanks,

Juliet M Fries  
Section Chief/COR III – Records/AST/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

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**From:** Tamanaha, Emisa T  
**Sent:** Wednesday, February 12, 2014 9:06 PM  
**To:** Fries, Juliet M  
**Cc:** Lundquist, Lieda F; Benavente, Jessy J; Fierro, Joseph; Chong, Jenny; Baltaretu, Cristina G; Nicholson, Richard E  
**Subject:** FY15 CAP Rejects Handling

Hi Juliet,

Lauren of SCOPS wanted me to share our plan with regard to the duplicate handling, so I wanted to re-cap our discussion after yesterday's CAP call:

- Lieda is ordering stamps for the contractor to use on all CAP rejects.
- Contractor will be stamping every single page of the Form I-129 as well as the LCA and will annotate the date received with initial.
- If the reason for rejection is based on missing signature, contractor will circle the blank signature line and annotate "Signature Missing" right next to it.
- If the petitioner claims rejection was due to Service error after the CAP closes, they will need to provide the original pages of the Form I-129 and/or LCA bearing the contractor stamp and initial to prove.

Please confirm the above bullets and let me know if I missed anything. Once I hear from you, I will relay this to Lauren.

Thanks!  
Emisa

**Jaynes, Thomas A**

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**From:** Peck, Denis R  
**Sent:** Monday, January 12, 2015 10:31 AM  
**To:** Doumani, Stephanie M  
**Subject:** FW: FY15 H1B Cap Target - reset to 95,000// FY15 CAP 6 of 16

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

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**From:** Cox, Sophia  
**Sent:** Thursday, March 27, 2014 8:14 AM  
**To:** Aucoin, Lauren J; Liang, Gwen  
**Cc:** Sweeney, Shelly A; Fedak, Orest S; Peck, Denis R  
**Subject:** RE: FY15 H1B Cap Target - reset to 95,000

Hi. Thanks for looping me in. I don't quite understand what this means for the planning at each center, because we pegged the staffing plans to the agreed upon targets. Can we regroup this morning to discuss what has changed and if there are any significant impacts?

---

**From:** Aucoin, Lauren J  
**Sent:** Thursday, March 27, 2014 7:50 AM  
**To:** Liang, Gwen  
**Cc:** Sweeney, Shelly A; Fedak, Orest S; Peck, Denis R; Cox, Sophia  
**Subject:** RE: FY15 H1B Cap Target - reset to 95,000

Adding Sophia.

Gwen,

What changed with regard to your parameter search from the last time you ran the target number? We have an 8,000 difference in the target number compared to last year, so I'm just wondering what (if anything) changed since the last pull.

Thanks!

Lauren

---

**From:** Liang, Gwen  
**Sent:** Wednesday, March 26, 2014 5:05 PM  
**To:** Aucoin, Lauren J  
**Cc:** Sweeney, Shelly A; Fedak, Orest S; Peck, Denis R  
**Subject:** RE: FY15 H1B Cap Target - reset to 95,000

Rejects out of the system (not data entered) have been factored in.

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060



(b)(6)

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**From:** Aucoin, Lauren J

**Sent:** Wednesday, March 26, 2014 5:02 PM

**To:** Liang, Gwen

**Cc:** Sweeney, Shelly A; Fedak, Orest S; Peck, Denis R

**Subject:** Re: FY15 H1B Cap Target - reset to 95,000

Thanks Gwen! Does this new figure include rejects?

---

**From:** Liang, Gwen

**Sent:** Wednesday, March 26, 2014 04:37 PM

**To:** Aucoin, Lauren J

**Cc:** Sweeney, Shelly A; Fedak, Orest S; Peck, Denis R

**Subject:** FY15 H1B Cap Target - reset to 95,000

The new target number of barcodes is reset to 95,000 after factoring in non-fraud revocations as they took cap slots.

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060



(b)(6)

**Jaynes, Thomas A**

---

**From:** Peck, Denis R  
**Sent:** Monday, January 12, 2015 10:31 AM  
**To:** Doumani, Stephanie M  
**Subject:** FW: Internal Cap Document: Revised Rejection Letter (Selected in RNG and Rejected for Improper Filing) // FY15 CAP 5 of 16  
**Attachments:** Letter - selected in RNG rejected for improper filing SCOPS UPDATE 3.18.2013.doc

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

---

**From:** Aucoin, Lauren J  
**Sent:** Monday, March 24, 2014 3:21 PM  
**To:** Peck, Denis R  
**Subject:** FW: Internal Cap Document: Revised Rejection Letter (Selected in RNG and Rejected for Improper Filing)

Denis,

Are you okay with this change?

Thanks,

Lauren

---

**From:** Doumani, Stephanie M  
**Sent:** Tuesday, March 18, 2014 3:58 PM  
**To:** Aucoin, Lauren J; Peck, Denis R; Bump, Micah N; Morgan, Carmen J; Dalal-Dheini, Sharvari P  
**Cc:** Sweeney, Shelly A; King, Alexander R  
**Subject:** Internal Cap Document: Revised Rejection Letter (Selected in RNG and Rejected for Improper Filing)

Hello,

Attached to this email is the revised rejection letter template for petitions selected in the RNG that were improperly filed.

I removed option ten, which was for H-1B Chile/ Singapore Cap petitions filed with CSC. I believe going forward, the CSC will no longer reject these petitions and will send them directly to the VSC.

Please let me know if have any edits to the attached document by COB 3/20.

Thanks!  
Stephanie

Comment [LA1]: VSC: Please change letterhead.



U.S. Citizenship  
and Immigration  
Services

Date:

[Redacted Date Box]

Form No. I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY15 closed on April 7, 2014.

1.  You submitted your I-129 H-1B petition/H1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2.  You did not include the H-1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3.  The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4.  Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5.  Your I-129 was not properly signed.
6.  The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be
  - A. \$750.00 (ACWIA Fee for a company with 25 employees or less).
  - B. \$1,500.00 (ACWIA Fee for a company with 26 employees or more).
  - C. \$500.00 Fraud Prevention and Detection Fee.
  - D. \$325.00 I-129 base fee
  - E. \$2000.00 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
6.  The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
7.  Your I-129 petition subject to FY 15 cap must not have an employment date earlier than 10/01/2014.
78.  Incomplete petition. Page(s) \_\_\_\_\_ missing. Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_ missing incorrect/missing information.
89.  Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.
810.  Your I-129 H-1B1 Chile/Singapore cap petition may only be filed at Vermont Service Center.
4911.  OTHER: \_\_\_\_\_

(b)(5)

[Redacted Box]

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0.25" + Indent at: 0.25"

[Redacted Box]

(b)(5)

Sincerely,

SERVICE CENTER DIRECTOR

DRAFT

**Jaynes, Thomas A**

---

**From:** Peck, Denis R  
**Sent:** Monday, January 12, 2015 10:56 AM  
**To:** Doumani, Stephanie M  
**Subject:** FW: RNG for H1B 2015 CAP FY15 10 of 16

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

---

**From:** Liang, Gwen  
**Sent:** Thursday, April 10, 2014 8:50 AM  
**To:** Velarde, Barbara Q; Peck, Denis R; Fedak, Orest S; Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia  
**Subject:** RE: RNG for H1B 2015 CAP

You are welcome! It is truly great team work! Thank you Team!

***Gwen Liang***

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.  
20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060  
☎ 202-272-8161

---

**From:** Velarde, Barbara Q  
**Sent:** Thursday, April 10, 2014 7:15 AM  
**To:** Liang, Gwen; Peck, Denis R; Fedak, Orest S; Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia  
**Subject:** RE: RNG for H1B 2015 CAP

Thank you Gwen for all of your hard work and flexibility and being a part of this amazing CAP team.

---

**From:** Liang, Gwen  
**Sent:** Wednesday, April 09, 2014 10:36 PM  
**To:** Velarde, Barbara Q; Peck, Denis R; Fedak, Orest S; Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia  
**Subject:** RNG for H1B 2015 CAP

The lottery process is completed. Please see all the attached files.

***Gwen Liang***

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

 B.B.)

(b)(6)

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**From:** Velarde, Barbara Q  
**Sent:** Wednesday, April 09, 2014 3:27 PM  
**To:** Peck, Denis R; Liang, Gwen; Fedak, Orest S; Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia  
**Subject:** RE: CSC FY2015 CAP Report COB 04-07-14

I think we are good to go.

---

**From:** Peck, Denis R  
**Sent:** Wednesday, April 09, 2014 3:16 PM  
**To:** Liang, Gwen; Fedak, Orest S; Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia  
**Cc:** Velarde, Barbara Q  
**Subject:** RE: CSC FY2015 CAP Report COB 04-07-14

I think we are all in accord that you can proceed. Barbara, anything left you want checked before Gwen starts?

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

---

**From:** Liang, Gwen  
**Sent:** Wednesday, April 09, 2014 2:55 PM  
**To:** Peck, Denis R; Fedak, Orest S; Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia  
**Cc:** Velarde, Barbara Q  
**Subject:** RE: CSC FY2015 CAP Report COB 04-07-14

Ok! Thanks!  
Should I wait to get a GO after your meeting after the townhall?

**Gwen Liang**

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.  
20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

 B.B.)

(b)(6)

---

**From:** Peck, Denis R  
**Sent:** Wednesday, April 09, 2014 2:28 PM  
**To:** Fedak, Orest S; Liang, Gwen; Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia  
**Cc:** Velarde, Barbara Q  
**Subject:** FW: CSC FY2015 CAP Report COB 04-07-14

Here is CSC's just in with 76,581 as their count. See the footnote about phantom files. Lets talk after the all hands meeting.

Denis Peck

## Jaynes, Thomas A

---

**From:** Lundquist, Lieda F  
**Sent:** Friday, March 21, 2014 7:40 PM  
**To:** Doumani, Stephanie M; Aucoin, Lauren J  
**Cc:** Fries, Juliet M; Sua, Mike T; Dequiroz, Perfida; Baltaretu, Cristina G; Fierro, Joseph; Tamanaha, Emisa T  
**Subject:** Agenda Items for CAP Call 3-25-14  
**Categories:** Yellow Category

Please add agenda items below for 3-25-14 CAP call:

- Is there a status on CAP overtime funds?
- VIBE: Would it be possible during CAP that we use the GUI printouts instead of the manual VIBE report?
- When we start keying in CAP cases, what date are we using?
- Page 3 part 3 – Beneficiary information: We know that if no information is provided, we reject the I-129 for incomplete filing; however, if the COC / DOB / COB fields are not provided and the officer is unable to locate the information within the file, are we to reject the I-129 case or send an RFE for the missing information?
- The LCAs that are certified, but missing the official William Carlson signature stamp - will we see some of these during CAP?

Thanks,  
Lieda Lundquist

## I-129 H1B SOP

1. **Signature:** Review Page 6, Part 7 of the I-129 and verify that the petitioner has properly signed the petition. The signature has to be original. An 'X' or a thumbprint is also acceptable.
  - If the signature block on an accompanying G-28 does **NOT** identify that the signatory is a corporate attorney or corporate counsel, look for a power of attorney.
  - If a power of attorney is included, the signature is acceptable.
  - If a power of attorney is not included, the signature is unacceptable.
2. **Jurisdiction:** Review Page 4, Part 5, #3. Look for the "address where the person(s) will work" and verify if the address is within the CSC's jurisdiction.
  - If the address is not specified, blank, foreign address, annotated as "same as Part 1", or multiple locations, look at the address on Page 1, Part 1, # 3 to determine the jurisdiction.

**Note:** *If the jurisdiction was determined by reviewing Page 1, Part 1, # 3 and the petition was submitted with a G-28 form, compare the petitioner's address on Page 1, Part 1, # 3 of the I-129 form to the attorney's address on G-28 form. If the petitioner's address is the same as the attorney's address; send to USCIS review.*

- **Any classification that is processed exclusively at CSC; you do not need to verify the petitioner's address on Page 1, Part 1, # 3 of the I-129 form with the attorney's address on the G-28 form (if the G-28 form was submitted).**

CSC's jurisdiction	VSC's jurisdiction
Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia and the District of Columbia

If a non-premium I-129 is submitted at CSC and is out of CSC's jurisdiction, forward the case to VSC. Reject and return I-129 premium cases to the petitioner or representative with instructions for proper filing.

When an I-129 H1B petition is returned from Vermont Service Center to the California Service Center, it is to be accepted regardless of the jurisdiction.

## I-129 OTHER SOP

3. **Signature:** Review Page 6, Part 7 of the I-129 for the signature and verify that the petitioner has properly signed the petition. The beneficiary can sign the I-129 for "E2" classification only if the beneficiary's name is the same as the petitioner. The signature has to be original. An 'X' or a thumbprint is also acceptable.
  - If the signature block on an accompanying G-28 does **NOT** identify that the signatory is a corporate attorney or corporate counsel, look for a power of attorney.
  - If a power of attorney is included, the signature is acceptable.
  - If a power of attorney is not included, the signature is unacceptable.

**Jaynes, Thomas A**

---

**From:** Sua, Mike T  
**Sent:** Wednesday, February 19, 2014 7:42 PM  
**To:** Chong, Jenny  
**Cc:** Lundquist, Lieda F; Dequiroz, Perfida; Rodriguez, George E; Antoine, Bennie R; Fernandez, Troy Q; Miramontes, Francisco A; Fierro, Joseph; Tamanaha, Emisa T  
**Subject:** FW: CAP - Reject Letter in/out of the CRIS DB  
**Attachments:** FY15 I-129 H1B CAP\_Reject After RNG.DOC; Reject Letter - Selected in RNG\_Rejected for Improper Filing.doc  
  
**Categories:** Yellow Category

Jenny,

Please review the attached CAP reject letters for your concurrence. The attached letters were finalized by SCOPS and will be forwarded to DNA Section to have them set up into the CRIS database. Please let me know if you have further questions.

Thanks,  
*M. Sua*  
Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3140

**WARNING:** This document is **FOR OFFICIAL USE ONLY (FOUO)**. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval from the originator.

---

**From:** Benavente, Jessy J  
**Sent:** Wednesday, February 12, 2014 11:00 AM  
**To:** [REDACTED] (b)(6)  
**Cc:** [REDACTED] Sua, Mike T; Lundquist, Lieda F; Fries, Juliet M  
**Subject:** RE: CAP - Reject Letter in/out of the CRIS DB

We need to get that to D&A.

---

**From:** [REDACTED] (b)(6)  
**Sent:** Wednesday, February 12, 2014 10:16 AM  
**To:** Benavente, Jessy J  
**Cc:** [REDACTED] Sua, Mike T; Lundquist, Lieda F; Fries, Juliet M  
**Subject:** RE: CAP - Reject Letter in/out of the CRIS DB

Jessy, we believe the two reject letters below are sufficient. We also want to suggest to have an option to insert additional radio buttons for additional reject reasons not listed.

I also updated the reject selections below (duplicate).

Thank you.

(b)(6)



---

**From:** Benavente, Jessy J

**Sent:** Tuesday, February 11, 2014 2:21 PM

**To:** [Redacted]

**Cc:** [Redacted] Sua, Mike T; Lundquist, Lieda F; Fries, Juliet M

**Subject:** FW: CAP - Reject Letter in/out of the CRIS DB

SCOSS, (b)(6)  
Are you sure you want just two?

Jessy Benavente  
SISA

---

**From:** [Redacted]

**Sent:** Friday, February 07, 2014 5:10 PM (b)(6)

**To:** Sua, Mike T

**Cc:** Benavente, Jessy J; Lundquist, Lieda F; Bennett, Linda J; Hallam, Larry J; Mehta, Dilipkumar N; [Redacted]



**Subject:** CAP - Reject Letter in/out of the CRIS DB

Hi Mike.

We may only need two CAP reject letters setup in the CRIS data base.

- The general reject letter with all the possible reject reasons:
  - Incorrect start date
  - Missing pages
  - Missing LCA/missing signature on the LCA/LCA not certified/ Missing required LCA page(s)
  - Outdated I-129 form
  - Missing signature
  - Incorrect filing fee
  - ACWIA fee must be paid for by petitioner or the representative and not the bene
  - Incomplete petition
  - Incorrect employment start date. Start date must not be earlier than 10-1-2014
  - Incorrect jurisdiction
  - Chile/Singapore CAP filing may only be filed at the Vermont Service Center
  - Other \_\_\_\_\_
  
- a reject letter for the non-selected filings.

Outside of the CRIS db, we will need a reject letter for early filings (received before 4-1-14) and a letter for late filings (received after 4-7-14) since these filing will not be part of the lottery.

Please let me know if I've missed anything or if there are questions/concerns.

Thank you.

(b)(6)



U.S. Department of Homeland Security  
P. O. Box 30111  
Laguna Niguel, CA 92607-0111



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H-1B Cap Reject

Your petition, supporting documents, and fee are being returned to you. Your petition was returned for the following reason:

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this timeframe; however, it was not among those randomly selected for processing.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2016 cap, with a start date of October 1, 2015, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2015. Petitioners are reminded that petitions for H-1B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H-1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Mariana Islands are also exempt from the cap until December 31, 2014.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the USCIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

ID# \_\_\_\_\_  
USCIS Conc. \_\_\_\_\_  
I-129 H1B CAP\_RNG\_NON SELECT  
Rev. 2/19/14

[www.uscis.gov](http://www.uscis.gov)



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY15 closed on April 7, 2014.

1. \_\_\_ You submitted your I-129 H-1B petition/H1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2. \_\_\_ You did not include the H-1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3. \_\_\_ The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4. \_\_\_ Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5. \_\_\_ Your I-129 was not properly signed.
6. \_\_\_ The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be:
  - A. **\$750.00 (ACWIA Fee for a company with 25 employees or less).**
  - B. **\$1,500.00 (ACWIA Fee for a company with 26 employees or more).**
  - C. **\$500.00 Fraud Prevention and Detection Fee.**
  - D. **\$325.00 I-129 base fee**
  - E. **\$2000.00 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.**
7. \_\_\_ The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
8. \_\_\_ Incomplete petition. Page(s) \_\_\_ missing. Part \_\_\_ Number \_\_\_, Part \_\_\_ Number \_\_\_, Part \_\_\_ Number \_\_\_, Part \_\_\_ Number \_\_\_ missing incorrect/missing information.
9. \_\_\_ Your I-129 petition subject to FY15 cap must not have an employment date earlier than 10/01/2014.
10. \_\_\_ Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.
11. \_\_\_ Your I-129 H-1B1 Chile/Singapore cap petition may only be filed at Vermont Service Center.

12. \_\_\_\_\_ OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

**SERVICE CENTER DIRECTOR**

**Jaynes, Thomas A**

---

**From:** Fries, Juliet M  
**Sent:** Tuesday, April 15, 2014 6:37 PM  
**To:** Tamanaha, Emisa T  
**Cc:** Fierro, Joseph; Baltaretu, Cristina G; Lundquist, Liede F  
**Subject:** FW: CAP Lottery Pull Results

**Categories:** Yellow Category

You are correct in your understanding as described.

Juliet M. Fries  
Section Chief/COR III Records/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** Tamanaha, Emisa T  
**Sent:** Tuesday, April 15, 2014 3:28 PM  
**To:** Fries, Juliet M  
**Cc:** Fierro, Joseph; Baltaretu, Cristina G  
**Subject:** RE: CAP Lottery Pull Results

Juliet – Just to confirm my understanding of the attached e-mail, there are a total of 99,250 petitions selected by RNG for both VSC and CSC, 44,359 of which are CSC's? Also, 10,879 are PP (both Master and regular)?

---

**From:** Fries, Juliet M  
**Sent:** Tuesday, April 15, 2014 1:23 PM  
**To:** Tamanaha, Emisa T; Fierro, Joseph; Baltaretu, Cristina G  
**Subject:** FW: CAP Lottery Pull Results

Thought I would share the good news.

Juliet M. Fries  
Section Chief/COR III Records/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

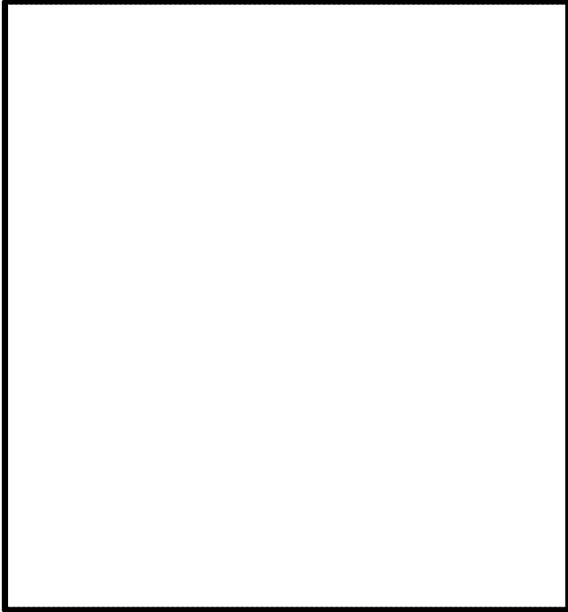
**From:** [REDACTED] (b)(6)  
**Sent:** Tuesday, April 15, 2014 12:55 PM  
**To:** [REDACTED]

**Subject:** CAP Lottery Pull Results

All,

We have completed the lottery pull. It is 100% reconciled.

Thank you,



(b)(6)

**Jaynes, Thomas A**

---

**From:** Fries, Juliet M  
**Sent:** Wednesday, April 09, 2014 5:09 PM  
**To:** Tamanaha, Emisa T; Baltaretu, Cristina G; Fierro, Joseph; Chong, Jenny  
**Subject:** FW: Tomorrow's plan

**Categories:** Yellow Category

FYI

Juliet M. Fries  
Section Chief/COR III Records/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 09, 2014 5:07 PM  
**To:** Fries, Juliet M (b)(6)  
**Cc:** [REDACTED]  
**Subject:** Tomorrow's plan

Juliet;

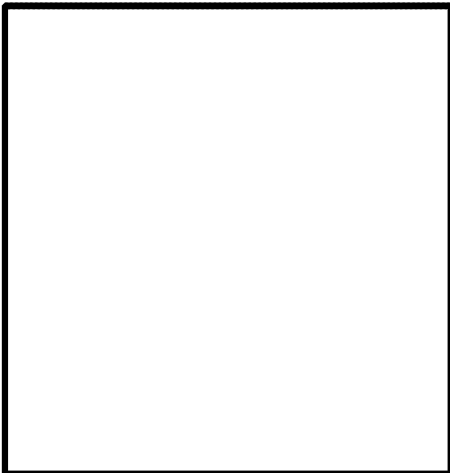
Per our discussion, when we receive the list of winners tomorrow we will immediately pull the premium winners, both Masters and Regular. We will key and fee receipt the Masters premiums first followed by the Regular premiums.

The counts are (CRP) CAP Regular Premium = 9,613  
(CMP) CAP Masters Premium = 7,514

Total = 17,127 Premiums, all of which have already been assembled.

Let me know if you need any other information.

Thanks.



(b)(6)

## Acceptability Review for I-129 CAP (FY 15)

### I-129:

#### Revision Date

Only I-129 form with the revision date of 11/23/10 or later on page 1 of the I-129 form is to be accepted. The I-129 petition is to be rejected if it has a revision date prior to 11/23/10. If the revision date information is missing on page 1 of the I-129 petition, send the case to USCIS review.

#### Jurisdiction:

Verify the I-129 H-1B CAP case for jurisdiction requirement as per current instructions.

If the I-129 H-1B cap is out of the Service Center jurisdiction, reject the CAP case.

### Page 3 - Part 3

#### Question #1

“A” - Beneficiary Name

> If all name fields are blank - reject as incomplete

“E” - Date of Birth

> If blank - send to USCIS for review

### Page 5 - Part 5

#### Question #10

Dates of Employment

> Must be 10/1/14 or later

> If pre 10/1/14 – reject

If blank or any information (ASAP) other than the date is listed- reject.

### Page 6 - Part 7

Signature Field

- > Signature anywhere in part 7 is acceptable
- > Signature must be the Petitioner
- > Power of Attorney (POA) letters are acceptable
- > Missing signature

## **I-129 H1B Data Collection Supplement –**

### **Part A**

#### **Question #1 e**

- > An additional fee of \$2,000 must be submitted if the petitioner responded “yes” to both questions in 1e of Part A.

### **Part B**

#### **Question #1 through #8**

- > Any question answered YES consider as a ACWIA Fee Exempt case
- > Any questions left blank – send to USCIS for review

#### **Question #9**

- > If marked NO = \$1,500 ACWIA fee is needed
- > If marked YES = \$750 ACWIA fee is needed
- > If fee that was submitted is inconsistent
  - > Verify I-129 petition, Part 5, Question #13

**If no LCA attached – reject petition**

#### **Signature Field**

- > Signature in Part K on Page 4

**I-907 – Request for Premium:**

#### **Revision Date**

- > Date must be no earlier than 8/10/09

#### **Signature Field**

- > Signature anywhere in part 3 is acceptable
- > Signature is acceptable if signed per current SOP

**FEES:**

- PART A, 1e - \$2,000 is required if both questions are answered "Yes"

Scenario #1		Scenario #2		Scenario #3		Scenario #4	
Base	\$325	Base	\$325	Base	\$325	Base	\$325
Fraud	\$500	Fraud	\$500	Fraud	\$500	Fraud	\$500
ACWIA	\$750	ACWIA	\$1,500	ACWIA	\$750	ACWIA	\$1,500
				Premium	\$1,225	Premium	\$1,225
<b>TOTAL:</b>	<b>\$1,575</b>	<b>TOTAL:</b>	<b>\$2,325</b>	<b>TOTAL:</b>	<b>\$2,800</b>	<b>TOTAL:</b>	<b>\$3,550</b>
*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000
<b>TOTAL:</b>	<b>\$3,575</b>	<b>TOTAL:</b>	<b>\$4,325</b>	<b>TOTAL:</b>	<b>\$4,800</b>	<b>TOTAL:</b>	<b>\$5,550</b>

**Cap Season FY14 Number - 102000**

780 DoS + USCIS Chile/Singapore - projected  
 88742 Total Mas & Reg Approvals  
 85000 Goal - Cap Season Approvals  
**4522 Difference over CAP**

**Last Cap Season "Actuals"**

102000 Bar codes winners - Cap Number  
 3194 Rejected Barcode non data entered  
 98806 Total Mas & Reg receipts by USCIS  
  
 51 Total Mas & Reg Rejected - should have never  
 been received

98755 Total Mas & Reg receipts processed by USCIS

88330 Approvals - from receipts  
 412 Approvals - with bad dates

88742 Total Mas & Reg Approvals

9546 Denials  
 467 Denials - still in progress

10013 Total Mas & Reg Denials

98755 Total Approvals & Denials

**New Cap Season FY15 Number - 97000**

**Using FY14 ratios and projections**

780 DoS + USCIS Chile/Singapore - projected  
 84521 Projected Mas & Reg Cap allotment  
 85000 Goal - Cap Season Approvals  
**301 Difference over CAP**

**New Cap Season - Projected**

**97000** Bar codes winners - Cap Number  
 3037 Rejected Barcode non data entered  
 93963 Total Mas & Reg receipts by USCIS  
  
 50 Total Mas & Reg Rejected - should have never  
 been received

93913 Total Mas & Reg receipts processed by USCIS

84521 Approvals - from receipts  
 Projected Approvals - with bad dates already  
 included

84521 Total Mas & Reg Approvals

9391 Denials  
 Projected Denials - still in progress already  
 included

9391 Total Mas & Reg Denials

93913 Total Approvals & Denials

## Jaynes, Thomas A

---

**From:** Fedak, Orest S  
**Sent:** Thursday, April 03, 2014 1:39 PM  
**To:** Velarde, Barbara Q; Cox, Sophia; Sweeney, Shelly A; Aucoin, Lauren J  
**Cc:** Liang, Gwen  
**Subject:** Cap Season Numbers FY14 & FY15  
**Attachments:** Cap explanation 20140403.xlsx

We'll be over at 3:00.

Last year's Cap is over by 4522 - due to the Chile/Singapore projections being overlooked.

The attached spreadsheet is using a cap number of 97,000 which causes our model to be 301 approvals over our 85,000 goal.

The spreadsheet contains an orange data field - currently 97,000 - which can be adjusted to project new numbers above or below the goal.

We'll bring some copies of the current spreadsheet too.

Orest

## Holt, Cynthia L

---

**From:** Liang, Gwen  
**Sent:** Wednesday, April 03, 2013 1:10 PM  
**To:** Aucoin, Lauren  
**Cc:** McConnell, James E  
**Subject:** H1-B Cap Lottery (RNG) operation steps

Lauren,

As I promised, here are the most updated steps in the H-1B barcodes RNG operation. Step 7 gives you answer to your question on the process on non-selected Master Caps barcodes. Please forward as needed.

1. Receive from each center (CSC, VSC) barcode files of Master Caps (premium and non-premium) and Regular Caps (premium and non-premium).
2. Combine the barcodes of Master Caps from CSC and from VSC into one group, hereinafter referred to as Source Master Caps.
3. Combine the barcodes of Regular Caps from CSC and from VSC into one group, hereinafter referred to as Source Regular Caps.
4. Produce RNGs for Source Master Caps.
5. Collect **24,300** barcodes from Source Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Master Caps.
6. Add a type code column of 'MAS' in Winner Master Caps.
7. Collect the non-selected barcodes from Source Master Caps and combine with Source Regular Caps into a group, hereinafter referred to as Source Regular Master Caps.
8. Collect **77,700** barcodes from Source Regular Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Regular Caps.
9. Add a type code column of 'REG' in Winner Regular Caps.
10. Collect the non-selected barcodes from Source Regular Master Caps into one group, hereinafter referred to as Cap Losers.
11. Separate Winner Master Caps into two output files:
  - a. CSC\_Masters\_win.xlsx (premium and non-premium)
  - b. VSC\_Masters\_win.xlsx (premium and non-premium)
  - c. Sort on barcodes
12. Separate Winner Regular Caps into two output files:
  - a. CSC\_Regulars\_win.xlsx (premium and non-premium)
  - b. VSC\_Regulars\_win.xlsx (premium and non-premium)
  - c. Sort on barcodes
13. Separate Cap Losers into two output files:
  - a. CSC\_Losers.xlsx
  - b. VSC\_Losers.xlsx
  - c. Sort on barcodes
14. Email all the output files to those specified on the confirmed distribution list.

Note: The target number of barcodes to accept for Cap processing has factored in the rejects based on the ratios of rejects in FY13 and assume all rejects are manual.

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

## Lottery Operation

The detailed steps for FY2015 H1B allocation of Master and Regular barcodes in RNG generation process are listed as follows:

Note: The numbers in the steps are based on

File: H1B\_Cap\_Counting\_Analysis.xls

Worksheet < FY15 Target >

Field: <FY2015 target barcodes determined by Front Office (additional 2,250) as final >

1. Receive from each center (CSC, VSC) barcode files of Master Caps (premium and non-premium) and Regular Caps (premium and non-premium).
2. Combine the barcodes of Master Caps from CSC and from VSC into one group, hereinafter referred to as Source Master Caps.
3. Combine the barcodes of Regular Caps from CSC and from VSC into one group, hereinafter referred to as Source Regular Caps.
4. Produce RNGs for Source Master Caps.
5. Collect **23,500** barcodes from Source Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Master Caps.
6. Add a type code column of 'MAS' in Winner Master Caps.
7. Collect the non-selected barcodes from Source Master Caps and combine with Source Regular Caps into a group, hereinafter referred to as Source Regular Master Caps.
8. Collect **75,750** barcodes from Source Regular Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Regular Caps.
9. Add a type code column of 'REG' in Winner Regular Caps.
10. Collect the non-selected barcodes from Source Regular Master Caps into one group, hereinafter referred to as Cap Losers.
11. Separate Winner Master Caps into two output files:
  - a. CSC\_Masters\_win.xlsx (premium and non-premium)
  - b. VSC\_Masters\_win.xlsx (premium and non-premium)
  - c. Sort on barcodes
12. Separate Winner Regular Caps into two output files:
  - a. CSC\_Regulars\_win.xlsx (premium and non-premium)
  - b. VSC\_Regulars\_win.xlsx (premium and non-premium)
  - c. Sort on barcodes
13. Separate Cap Losers into two output files:
  - a. CSC\_Losers.xlsx
  - b. VSC\_Losers.xlsx
  - c. Sort on barcodes
14. Email all the output files to those specified on the confirmed distribution list.

Note: The target number of barcodes to accept for Cap processing has factored in the non data-entered rejects based on the ratios of rejects in FY14 and assume all rejects are manual.

## Holt, Cynthia L

---

**From:** Lundquist, Lieda F  
**Sent:** Monday, March 31, 2014 12:09 PM  
**To:** Doumani, Stephanie M  
**Cc:** Fries, Juliet M; Sua, Mike T; Tamanaha, Emisa T; Baltaretu, Cristina G; Rodriguez, George E; Antoine, Bennie R; Dequiroz, Perfida; Hallam, Larry J; Fernandez, Troy Q; Chong, Jenny; Fierro, Joseph; Peck, Denis R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** RE: Rejections  
**Categories:** Yellow Category

Stephanie,

Please see information provided below.

Thanks,

*Lieda Lundquist*

Supervisory Immigration Service Analyst

USCIS | California Service Center

 949.389.3126

---

**From:** Fierro, Joseph  
**Sent:** Monday, March 31, 2014 10:05 AM  
**To:** Lundquist, Lieda F  
**Cc:** Fries, Juliet M; Sua, Mike T; Tamanaha, Emisa T; Baltaretu, Cristina G; Rodriguez, George E; Antoine, Bennie R; Dequiroz, Perfida; Hallam, Larry J; Fernandez, Troy Q; Chong, Jenny  
**Subject:** RE: Rejections

This look right to me.

---

**From:** Lundquist, Lieda F  
**Sent:** Monday, March 31, 2014 9:51 AM  
**To:** Fierro, Joseph  
**Cc:** Fries, Juliet M; Sua, Mike T; Tamanaha, Emisa T; Baltaretu, Cristina G; Rodriguez, George E; Antoine, Bennie R; Dequiroz, Perfida; Hallam, Larry J; Fernandez, Troy Q; Chong, Jenny  
**Subject:** RE: Rejections  
**Importance:** High

Joe,

Prior to responding to HQ, regarding the beneficiary's missing information, please advise if you concur.

- If page 3 is completely missing the beneficiary information (**Name, DOB, COC, etc.**), the I-129 filing will be rejected for improper filing.
- If page 3 is only missing the **DOB** and we are unable to locate the information within the packet, the I-129 will be rejected for improper filing.
- If page 3 is missing both **COC** and **COB** and we are unable to locate the information within the packet, the I-129 will be rejected for improper filing.
- If page 3 is missing either the **COC** or the **COB**, the I-129 filing will be accepted.

Thanks,

*Lieda Lundquist*

Supervisory Immigration Service Analyst

USCIS | California Service Center

☎: 949.389.3126

---

**From:** Fries, Juliet M  
**Sent:** Monday, March 31, 2014 8:22 AM  
**To:** Lundquist, Lieda F  
**Subject:** Fw: Rejections

-----  
Sent from my BlackBerry Wireless Device

---

**From:** Doumani, Stephanie M  
**Sent:** Monday, March 31, 2014 08:07 AM  
**To:** Fries, Juliet M; Nicholson, Richard E  
**Cc:** Peck, Denis R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** Rejections

Good Morning,

During last week's call, VSC discussed their current practice set in place in terms of rejecting petitions when one or more of the following fields are missing:

- Name
- Date of Birth
- Country of Birth
- Country of Citizenship

Can you please provide us with CSC's protocol in terms of which field(s) are missing when you reject a case?

Thank you,


*Stephanie Doumani*

Service Center Operations

Business Employment Services Team

202-272-1524 Desk

(b)(6)

  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

# I-129 CAP

## REJECT CHECK LIST

- 1 - Employment Start Date before 10-1-14.
- 2- Fee not required (BORDER PATROL SECURITY FEE; Extra Fee).
- 3 - **Missing Fee(s):** Filing Fee (\$325); Anti-Fraud Fee (\$500); Border Patrol Security Fee (\$2,000); Acwia Fee (\$750/\$1,500). Or incorrect fee; Wrong written amount.
- 4 - Jurisdiction.
- 5 - **Signature:** Missing or Copy Signature on page 6. Sign by beneficiary.
- 6 - Missing Application or Petition.
- 7 - Missing Page(s) \_\_\_\_\_
- 8 - Missing LCA; Missing LCA page(s) \_\_\_\_\_
- 9 - LCA Missing: Petitioner's signature / DOL Official's signature without CERTIFIED.
- 10 - Old Revision.
- 11 - Others: \_\_\_\_\_

Clerk ID# \_\_\_\_\_

Date: \_\_\_\_\_

## I-907 CAP REJECT CHECK LIST

- 1 - Old Revision.
- 2- **Fee:** Incorrect Fee; Missing Fee; Wrong written amount.
- 3 - **Signature:** Missing or Copy Signature. Signed by Attorney with invalid G-28. Signed by beneficiary.
- 4 - Others: \_\_\_\_\_

## I-539 CAP REJECT CHECK LIST

- 1 - Old Revision.
- 2- **Fee:** Incorrect Fee; Missing Fee; Wrong written amount.
- 3 - **Signature:** Missing or Copy Signature. Not sign by applicant (Over 14 yrs old)
- 4 - Others: \_\_\_\_\_

Rev 2 4/4/2013

## Holt, Cynthia L

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**From:** Sweeney, Shelly A  
**Sent:** Tuesday, June 12, 2012 11:01 AM  
**To:** Peck, Denis R; Loughlin, Stephen J; Nicholson, Richard E; Putnam, Anne F; Benavente, Jessy J  
**Cc:** Velarde, Barbara Q; Wilcox, Julia D; Lauver, Tinnina M; Fries, Juliet M; McConnell, James E; Bacote, Robert R; Liang, Gwen; Canney, Keith J; Shuttle, Peter J; Fierro, Joseph; Schoening, Donald; FitzGerald, Karen L  
**Subject:** H-1B Cap Met  
**Importance:** High

All,

Based upon our calculations here at HQ, we hit the cap yesterday. We will NOT need to run a random selection process on yesterday's receipts. You may begin data entry on yesterday's receipts. Since yesterday was the final receipt date, H-1B cap petitions received today will be rejected.

Thanks!

Shelly

---

**From:** Benavente, Jessy J  
**Sent:** Tuesday, June 12, 2012 9:15 AM  
**To:** Peck, Denis R; Loughlin, Stephen J; Putnam, Anne F; Nicholson, Richard E  
**Cc:** Sweeney, Shelly A; Bolog, Marguerite M; Fries, Juliet M  
**Subject:** RE: We have 3,510 CAP petitions from Monday's mail

Yes they are for CSC.

---

**From:** Loughlin, Stephen J  
**Sent:** Tuesday, June 12, 2012 9:15 AM  
**To:** Peck, Denis R; Putnam, Anne F; Nicholson, Richard E; Benavente, Jessy J  
**Cc:** Sweeney, Shelly A; Bolog, Marguerite M  
**Subject:** Re: We have 3,510 CAP petitions from Monday's mail

VSC - 2104 is correct

Stephen J Loughlin  
Assistant Center Director, COTR  
VSC, USCIS, DHS

---

**From:** Peck, Denis R  
**Sent:** Tuesday, June 12, 2012 6:13 AM  
**To:** Loughlin, Stephen J; Putnam, Anne F; Nicholson, Richard E; Benavente, Jessy J  
**Cc:** Sweeney, Shelly A; Bolog, Marguerite M  
**Subject:** RE: We have 3,510 CAP petitions from Monday's mail

While we wait to discuss this here after the seeing today's query update from CISCOR, would you both verify that ALL the mail from yesterday has been opened and counted and that these are the true numbers waiting in the queues – 2,104 CAPS at VSC and 1,406 at CSC?

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

---

**From:** Peck, Denis R  
**Sent:** Tuesday, June 12, 2012 8:25 AM  
**To:** Sweeney, Shelly A; Bolog, Marguerite M; Bell, Lisa M; Liang, Gwen  
**Cc:** Neufeld, Donald; Velarde, Barbara Q; Wilcox, Julia D; Lauver, Tinnina M; McConnell, James E  
**Subject:** We have 3,510 CAP petitions from Monday's mail

Shelly,

This is the contractor's hand count. They will hold until further word from us.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

(b)(6)

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**From:** [REDACTED]  
**Sent:** Tuesday, June 12, 2012 1:10 AM  
**To:** Peck, Denis R; John Coleman; Loughlin, Stephen J; Ann Lees  
**Cc:** [shawn.briggs@dhs.gov](mailto:shawn.briggs@dhs.gov); [jennifer.shilling@uscis.dhs.gov](mailto:jennifer.shilling@uscis.dhs.gov); [Allen.G.Letourneau@uscis.dhs.gov](mailto:Allen.G.Letourneau@uscis.dhs.gov)  
**Subject:** Final Numbers 6-11-12

All,

As you can see, the mail numbers continued to increase throughout the day. We received an additional 3,104 pieces of mail after 12:30 today, totaling 7,755 pieces; thus causing a delay in processing numbers.

CAP final numbers today are as follows:

	CAP 6/11/12	Prem vs Non- Prem Totals
VMP	98	380
VRP	282	
VMN	215	1,724
VRN	1,509	

# CAP FY's 2015

## I129 ACCEPTABILITY CHECK LIST

**I-129 Total Required Pages;**

1-H1B needs pages 1-6

2-Supplement pages 11, 12, 17, 18, and 19

**\* If any of these are missing → Reject “Reject for missing page(s)”.**

**Steps**

- 1 - **Jurisdiction** → page 4, Part 5 # 3 “address where the person will work”-if not list or multiple addresses listed on page 4, look at page 1 Part 1 # 3e to determine jurisdiction by the petitioner. If address on page 1 is the same address as the attorney on the G-28, mark as “Review address in part 1 is the same with the attorney’s address”.

**\* If the state is belong to the VSC’s jurisdiction, then mark as “Reject for out of these jurisdiction”**

<b>CSC’s jurisdiction</b>	<b>VSC’s jurisdiction</b>
Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia and the District of Columbia

- 2 - **REQUIRED FEE**
- **Filing Fee: \$325.**
  - **Anti-Fraud Fee: \$500.**
  - **Border Patrol Security Fee: \$2,000.**
  - **Acwia Fee: \$750 or \$1,500.**
- 3 - **Revision Date** → Look for Revision Date on the **BOTTOM RIGHT** of the I-129 petition. The Revision Dates are: **11/23/2010, 01/19/2011 & 10/7/2011 only.** \* If wrong revision date mark as REJECT with a yellow sticky.
- 4 - **Date Stamp** → Upper right hand side of 1<sup>st</sup> page with receive date and clerk ID; **If a duplicate set of I129 is included, date stamp/ID both sets**

## VERIFICATION FOR ACCEPTANCE

- 5 - **Page 1- Review for Eligibility**
  - **Part 1, # 2 & # 3 b; d; g:**

Ensure that a name of company or an organization and a complete address have been provided. If name of company is blank, refer to # 1.  
If # 1 & 2 are blank and/or a foreign address is provided, mark the case as CIS Review using the CIS Review cover sheet.
  
- 6 - **Page 2**

**part 2 #1: classification** → HIB or 1B1.  
If Blank check the supplement page 11 #4 or page 18 part C #1 for classification, if not found send to CIS review
  
- 7 - **Page 2 #2: one box needs to be marked; if multiple boxes are marked send to Review with a CIS Review cover sheet.**
  - **If A, or D, or E is marked**= need \$500 "Anti-Fraud Fee".  
\*If no \$500 submitted mark as REJECT.
  
- 8 #4: a or b has to be marked  
#5: Number of beneficiary list in #5 must be only 1 beneficiary. If more than 1 send to USCIS review.
  
- 9 - **BORDER PATROL SECURITY FEE (CBP)**
  - \$2000 **is required** if:
    - Page 2 part 2 #2 boxes A, or D, or E is marked **and**
    - Page 17 part A #1e both boxes marked YES. If either box is part NO Fee is not required.
  - \* If file is marked as needing fee and no fee is submitted mark as REJECT with a yellow sticky.
  
- 10 - **Page 3**
  - **Part 3: Beneficiary's Information**
  - Beneficiary has to be named.
    - #1i(COB) or #1 k (COC) is Chile or Singapore, mark as needing to be forwarded to CIS Review.
  
- 11 - **Date of Employment;**
  - **Page 5, part 5, #10:** dates of intended employment must be on or after 10/1/2014. If listed dates are before 10/1/2014, mark as reject.

- 12 - **Page 6, Part 7-need original signature of the petitioner (page 1) and not signed by beneficiary.**
- Original "X" or fingerprint → okay to accept
  - if NO signature → mark as reject
- 13 - **Page 17 & 18, Part B #1-8=All must be marked NO. If any marked Yes, send to CIS Review.**
- Page 18:**
- Part B, #9-if marked YES → \$750 required
  - Part B, #9-if marked NO → \$1500 required
- NOTE:**
- ACWIA FEE-needs to be paid by the PETITIONER/ATTY; if beneficiary paid, mark as reject
  - If ACWIA FEE is incorrect and/or marking on file contradicts submitted fee → send to Review
  - If ACWIA Fee is NOT submitted, mark as a Reject.
- 14 - **Page 18, Part C # 1 a or b is marked.**
- 15 - **Master Cap: Address if institution or higher education review**
- Page 18, Part C, # 2 d, if the address is not a US address, the filing needs to be switched to a regular CAP (CRP/CRN) filing. → Give to a Supervisor.
  - If the address field is blank, refer to Page 17, Part A #2
    - If "a or b or c or d or e or f" is checked, it is a regular CAP case
    - If "g or h or i" is checked, send the case to USCIS review
- 16 - **Page 18 & 19 Part C # 3 "a" through "I" must all be "Blank". If any box is marked, send to CIS review. (This is ONLY CAP cases.)**
- 17 - **REVIEW FOR LCA (ETA9035)**
- Ensure that H1B has a LCA, if missing, mark as reject.
- Review Page 4 of the LCA for a petitioner's signature
  - Review page 5 for the department of Labor official's signature and dates in the "This certification is valid from" and that it is "certified".
- \* Mark the filing as a reject if the LCA is:
- not certified and/or
  - missing the petitioner's or official's signatures or the certification dates on page 4 or 5 and/or
  - missing pages 4 & 5,
- If the LCA is annotated in the "Case Status" field as "Partially Certified", send to CIS Review.

**NOTE: COPIED Signature is acceptable.**

**18 - DUPLICATE OF I-129**

- The second set of I-129 is to be assembled under the supporting documentation of the 1<sup>st</sup> set of the I-129. (Dog ear/fold first page of the 2<sup>nd</sup> copy)

**NOTE:-Concurrent filings-**The below filing maybe filed with the I129. Each filing is to be assembled into a separate brown folder and attached to the I-129. The I129 Form is \$325.00

- I907-\$1225 -- Premium Processing (included with the I-129 in a Purple folder for Regular and Yellow for Masters)
- I539-\$290
- I102-\$330
- I824-\$405
- I765-\$380

**CAP categories and colors:**

1. Regular CAP:
  - a. CRN:
    - ✓ Page 18 Part C # 1 a is marked
    - ✓ Assemble into Green folder
  - b. CRP:
    - ✓ I-907 form
    - ✓ Page 18 Part C # 1 a is marked
    - ✓ Assemble into Purple folder
2. Master CAP:
  - a. CMN:
    - ✓ Page 18 Part C # 1 b is marked.
    - ✓ Assemble into Blue folder
  - b. CMP:
    - ✓ I-907 form
    - ✓ Page 18 Part C # 1 b is marked.
    - ✓ Assemble into Yellow folder

## Holt, Cynthia L

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**From:** Aucoin, Lauren J  
**Sent:** Wednesday, February 05, 2014 3:02 PM  
**To:** Sweeney, Shelly A; Doumani, Stephanie M; King, Alexander R  
**Subject:** FW: VSC H1B CAP Plan  
**Attachments:** Business Division Capacity Plan\_January 2014.docx; VSC Business Div Plan 20140131.XLSX; today's H-1B call

Here is VSC's cap plan, along with meeting notes from Sophia on the call at 2pm today (I was unable to join due to technical difficulties).

---

**From:** Cox, Sophia  
**Sent:** Tuesday, February 04, 2014 9:20 PM  
**To:** Aucoin, Lauren J; Fedak, Orest S; Sweeney, Shelly A  
**Cc:** Tynan, Natalie S  
**Subject:** Fw: VSC H1B CAP Plan

Here is vsc's cap plan. There is a call w/vsc mgt tomorrow to discuss. I will forward you the invite under separate cover.

-----  
Sent from my BlackBerry Wireless Handheld

---

**From:** Selby, Cara M (Carrie)  
**Sent:** Tuesday, February 04, 2014 04:57 PM  
**To:** Velarde, Barbara Q  
**Cc:** Cox, Sophia; Zuchowski, Laura B  
**Subject:** VSC H1B CAP Plan

Barbara,

Laura and I wanted to send you our H1B CAP Plan given the conversation we had earlier today and also to give you and Sophia some time to look this over in advance of our call tomorrow. Attached is the plan which provides our long-term plan (April – September) for addressing the H1B CAP cases. You will see that we have outlined assumptions, which as a result of our call earlier today regarding the NBC I-130s and possible assistance from the VSC, will likely change as this plan was formulated prior to that discussion.

We have outlined some options in order to meet the goals of taking an initial action on all H1B CAP petitions by August 1<sup>st</sup> and maintaining cycle times for all other cases within the Business Division. It is important to note that, in order to meet these goals, an additional 40 officers will need to be added to the Business Division. We have outlined some options, but given the discussion today on the NBC I-130s, we are looking forward to your feedback on Center priorities.

Thank you and please do not hesitate to let us know if you have any questions.

**Carrie M. Selby** | Acting Deputy Director | Department of Homeland Security | USCIS | VSC | 802.527.4786

## VSC Business Division Capacity Plan

**Objective:** Properly staff the Business Division to timely process the surge of H1B Cap filings expected in April 2014.

### Goals:

- Take an initial action on all “actionable” H1B Cap petitions by August 1, 2014.
- Maintain cycle time goals for all other “Business Division” form types. Note: The VSC capacity tool is designed to track volume of work and not processing times.
- Allocate 5 FTEs to the ASVVP workload until the H1B Cap workload goals have been met and additional FTEs, as necessary after the cap workload is completed.

### Assumptions:

- VSC will receive approximately the same number of H1B Cap receipts during April 2014 as we received in April 2013 (54,000).
- Overtime will be available for all business based form types for the remainder of the fiscal year.
- Hours per completion rates utilized in the business plan will be realized.
- If additional resources are shifted to the Business division, and transfer of work from the VSC is not an option, cycle times in other form types at the VSC will increase.
- No additional workloads will be directed at the VSC for the remainder of the fiscal year.

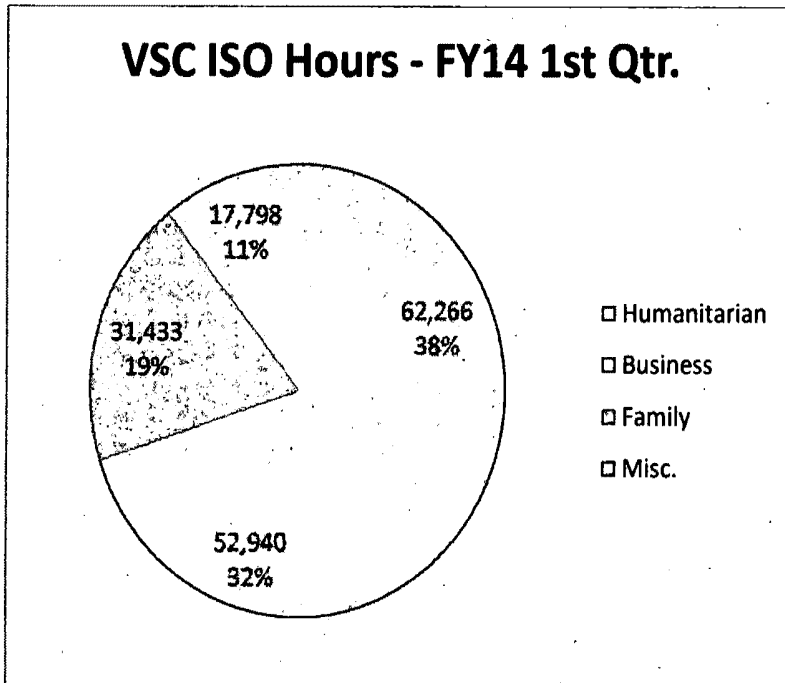
### Projections:

- In order to meet the goals identified above, 40+ officers will need to be added to the Business Division.

### Challenges/Impacts:

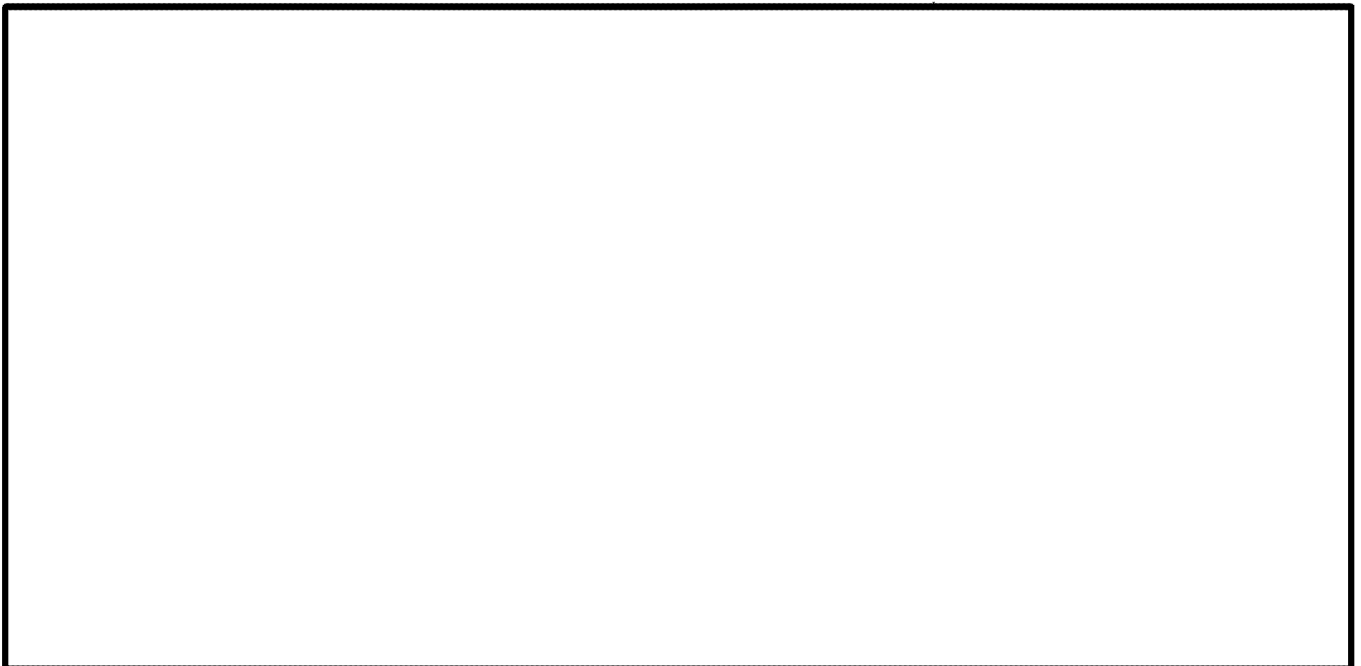
- Hiring surge – VSC anticipates that as many as 100 new officers will enter on duty between February and June 2014. The impacts of bringing on this many officers include:
  - Lost production due to training and mentoring associated with form type training.
  - Reduced efficiency as new officer’s progress through the normal learning curve and realize a full level of efficiency.
  - Lost hours while officers attend six weeks of BASIC training.
- Shortage of Staff in the Family Division – 60 officers are currently assigned to the Family Division form types at the VSC. FTEs needed for this workload are broken down as follows:
  - I-130 IR new receipts – 32 (once NBC backlog is completed)
  - I-751 new receipts – 57 (beginning in March 2014)
  - I-130 Preference new receipts – 25
  - Consular Returns – 20
  - Adam Walsh Act – 6
  - Customer Service Duties – 5
  - **Total - 145**

- 81% of the VSC form type hours in the first quarter were attributed to form types under the purview of Business, Humanitarian or Miscellaneous (I-765 & I-131).



**Options:**

(b)(5)





U.S. Citizenship  
and Immigration  
Services

Office of Communications

# USCIS Update



## USCIS to Accept H-1B Petitions for Fiscal Year 2015 Beginning April 1, 2014 *Petitioners are Reminded to Follow Regulatory Requirements*

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it will begin accepting H-1B petitions subject to the Fiscal Year (FY) 2015 cap on ~~Monday~~ Tuesday, April 1, 2014. Cases will be considered accepted on the date that USCIS takes possession of a properly filed petition with the correct fee. USCIS will not rely upon the date that the petition is postmarked.

The numerical limitation on H-1B petitions for FY 2015 continues to be 65,000. Additionally, the first 20,000 H-1B petitions filed on behalf of individuals who have earned a U.S. master's degree or higher are exempt from the fiscal year cap.

USCIS will monitor the number of petitions received and will notify the public of the date on which USCIS received the necessary number of petitions to meet the H-1B cap. If needed, USCIS will randomly select the number of petitions required to reach the numerical limit from the petitions received on the final receipt date. USCIS will reject cap-subject petitions that are not selected, as well as those received after the final receipt date.

Petitions for new H-1B employment are exempt from the annual cap if the beneficiaries will work at institutions of higher education or related or affiliated nonprofit entities, nonprofit research organizations or governmental research organizations. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Marianas Islands are exempt from the cap until December 31, 2014. Employers may continue to file petitions for these cap-exempt H-1B categories seeking work dates starting in FY 2014.

Petitions filed on behalf of current H-1B workers who have been counted previously against the cap also do not count towards the congressionally mandated H-1B cap. Accordingly, USCIS will continue to process FY 2014 petitions filed to:

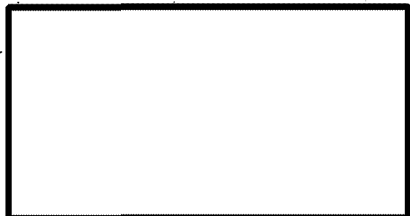
- extend the amount of time a current H-1B worker may remain in the United States;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; or
- allow current H-1B workers to work concurrently in a second H-1B position.

H-1B petitioners should follow all statutory and regulatory requirements as they prepare petitions to avoid delays in processing and possible requests for evidence. USCIS has developed detailed information, including a processing worksheet, to assist in the completion and submission of a FY2015 H-1B petition, which can be found on our website.

(b)(5)

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including, but not limited to: scientists, engineers, or computer programmers.

For more information on the H-1B nonimmigrant visa program and current Form I-129 processing times, visit [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at (800) 375-5283.



- USCIS -

## Optional Checklist for Form I-129 H-1B Filings

*This is an optional checklist to assist FY 2015 H-1B petitioners submit an I-129 H-1B petition.*

*Do not submit this checklist to USCIS.*

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All checks or money orders are signed and made payable to the "U.S. Department of Homeland Security." If the petition is submitted with the wrong filing fee, it will be rejected as improperly filed. **If one or more of the required checks are returned due to insufficient filing fees, the H-1B petition will be rejected and will NOT retain the original filing date.** H-1B cap petitions with insufficient filing fees will be given a new filing date on the day the fee deficiency is corrected, as long as the cap has not been met. If the new filing date is after the numerical cap has been met, the petition will be rejected.

- 
- Proper fees are enclosed:
- Base fee of **\$325**
  - ACWIA fee of **\$750/\$1,500** (if/as applicable)
  - Fraud Prevention and Detection fee of **\$500** (if applicable)
  - Public Law 111-230 fee of **\$2,000** (if applicable)
  - Premium Processing Service fee of **\$1,225** (if applicable)

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Petition includes original signatures (preferably in black ink) on **Pages 6, 7, 10** (if applicable) and **12** of Form I-129 (with a revision date of 11/23/10 or later).

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All sections of the Form I-129, H Classification Supplement to Form I-129, and H-1B Data Collection and Filing Fee Exemption Supplement (with revision date of 11/23/10 or later) are completed and all required pages are enclosed.

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Form I-907 (with revision date of 8/10/09 or later) is completed, signed in the original, and enclosed if seeking Premium Processing Service. NOTE: If you are signing Form I-907 as an attorney or accredited representative for the petitioner, ensure a properly completed and signed Form G-28 accompanies the petition.

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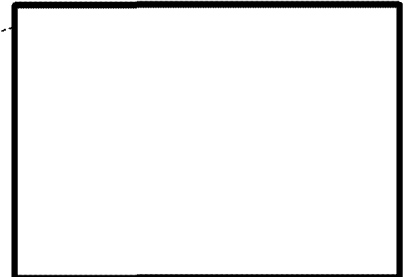
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A corresponding certified Department of Labor (DOL) Labor Condition Application (LCA) is signed by petitioner and attorney/representative, if applicable, and enclosed.

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Petition is being mailed with appropriate labels to the California Service Center (CSC) or Vermont Service Center (VSC) consistent with filing jurisdictions and instructions listed at [www.uscis.gov](http://www.uscis.gov).

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## Discretionary Release

All questions on Form I-129, H-1B Data Collection and Filing Fee Exemption Supplement (with a revision date of 11/23/10 or later), Pages 17 through 19, (particularly those in Part C) are answered correctly.

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**H-1B Regular Cap**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Includes current H-1Bs that were previously cap exempt and are now seeking to change to cap-subject employment.
  3. Check the box for 1a on Part C of Page 18.
- 

**H-1B Advanced U.S. Degree Exemption**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary has earned a master's (or higher) degree from a U.S. educational institution.
  3. Check the box for 1b on Part C of Page 18 and complete Question 2, Part C on Page 18.
- 

**Chile/Singapore H-1B1 Cap**

1. Requested start date for a FY 2015 H-1B1 must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary is a national of Chile or Singapore.
  3. Check the box for 1c on Part C of Page 18.
  4. Complete and submit Page 10, Trade Agreement Supplement to Form I-129.
- 

**H-1B Cap-Exempt or Non-Cap H-1B Extension of Stay**

1. If the petitioner is cap exempt or otherwise not cap-subject, check the box for 1d on Part C of Page 18 and complete Question 3, Part C on Pages 18 and 19.
  2. Includes current H-1Bs that were previously counted towards the cap.
  3. Includes amended petitions where the petitioner is seeking to notify USCIS of changes to employment conditions of a current H-1B beneficiary.
-



Office of Communications

U.S. Citizenship and Immigration Services

# USCIS Update

[DATE]

## USCIS Continues to Accept FY 2015 H-1B Petitions

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) today announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2015 cap. The agency began accepting these petitions on April 1, 2014.

USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. master's degree or higher cap exemption.

USCIS has received approximately (XXXXX) H-1B petitions counting toward the 65,000 cap, and approximately (XXXX) petitions toward the 20,000 cap exemption for individuals with advanced degrees.

Comment [LA1]: To be inserted prior to release of the update.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise. Such workers include scientists, engineers, and computer programmers, among others.



(b)(5)

USCIS will provide regular updates on the processing of FY 2015 H-1B petitions. These updates and helpful filing information can be found at USCIS's website highlighting the H-1B program. Should USCIS receive the number of petitions needed to meet the cap, it will issue an update advising the public that the FY 2015 H-1B cap has been met as of a certain date, known as the "final receipt date."

The date USCIS informs the public that the cap has been reached may differ from the actual final receipt date.

If necessary, USCIS may randomly select the number of petitions received on the final receipt date that will be considered for final inclusion within the cap. The agency will reject petitions subject to the cap that are not selected, as well as those received after the final receipt date. Whether a petition is received by the final receipt date will be based on the date USCIS physically receives the properly filed petition, not the date that the petition was postmarked.

Cases for premium processing (faster processing of certain employment-based petitions and applications) of H-1B petitions filed during an initial five-day filing window are undergoing a 15-day processing period that began April [insert date]. For all other H-1B petitions filed for premium processing, the processing period begins on the date that the properly filed petition is physically received at the correct USCIS Service Center.

Meanwhile, petitions filed by employers who are exempt from the cap, as well as petitions filed on behalf of current H-1B workers who have been counted previously against the cap within the past six years, will not count toward the cap.

For more information on USCIS and its programs, visit [www.uscis.gov](http://www.uscis.gov).

—USCIS—

## H-1B Fiscal Year (FY) 2015 Cap Season

### The H-1B Program

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including but not limited to: scientists, engineers, or computer programmers.

For more information about the H-1B program, see the link to the left under temporary workers for H-1B Specialty Occupations and Fashion Models.

### How USCIS Determines if an H-1B Petition is Subject to the FY 2015 Cap

We use the information provided in Part C of the H-1B Data Collection and Filing Fee Exemption Supplement (Form I-129, pages 17 through 19, with a revision date of November 23, 2010, or later) to determine whether a petition is subject to the 65,000 H-1B numerical limitation (the "cap"). Some petitions are exempt from the cap under the advanced degree exemption provided to the first 20,000 petitions filed for a beneficiary who has obtained a U.S. master's degree or higher. Unless otherwise exempt from the cap, petitions filed on behalf of beneficiaries who have obtained a U.S. master's degree or higher will be counted against the regular cap once USCIS has received sufficient petitions to reach the advanced degree exemption.

### FY 2015 H-1B Cap Count

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000		
H-1B Master's Exemption	20,000		

### Cap Eligible Petitions

This is the number of petitions that USCIS has accepted for this particular type of cap. It includes cases that have been approved or are still pending. It does not include petitions that have been denied.

## Cap Amounts

The current annual cap on the H-1B category is 65,000. Not all H-1B nonimmigrants are subject to this annual cap. Please note that up to 6,800 visas are set aside from the cap of 65,000 during each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Unused numbers in this pool are made available for H-1B use for the next fiscal year.

## When to File an FY 2015 H-1B Cap-Subject Petition

We will begin accepting H-1B petitions that are subject to the FY 2015 cap on April 1, 2014. You may file an H-1B petition no more than 6 months in advance of the requested start date.

## How to Ensure USCIS Considers Your H-1B Cap-Subject Petition Properly Filed

Please comply with the following to ensure that your petition is properly filed:

- Complete all sections of the Form I-129 petition, including the H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129) and the H-1B Data Collection and Filing Fee Exemption Supplement (pages 17 through 19). We accept Form I-129 with a revision date of November 23, 2010, or later.
- Original signatures, preferably in black ink, are required on each form.
- Include a signed check or money order with the correct fee amount.
- Ensure that all required documentation and evidence is submitted with the petition at the time of filing to ensure timely processing.

**Note:** It is your responsibility to ensure that Form I-129 is completed accurately. Failure to complete Form I-129 with the correct information and provide the required fees or documentation may result in the rejection or denial of the H-1B petition.

Additionally, be sure to file the petition at the correct USCIS Service Center. See section below on **"Where to Mail Your H-1B Cap-Subject Petition."**

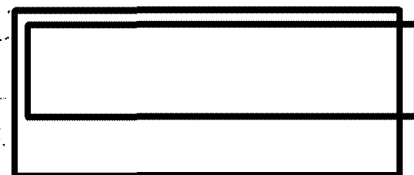
## **Additional Documents Required With Your Petition**

### **Labor Condition Application (LCA)**

You must submit a certified Department of Labor (DOL) LCA (Form ETA 9035) at the time of filing your petition. A copy of the LCA is acceptable.

Note: USCIS encourages petitioners to keep DOL LCA processing times in mind when preparing the H-1B petition and plan accordingly. If the LCA certified by DOL is for multiple positions, you must provide the name and USCIS case receipt number of any alien who has previously utilized the LCA.

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Petitioners should be sure to sign the LCA prior to submitting it with the petition to USCIS.

Please see Department of Labor's Office of Foreign Labor Certification website for further information on the LCA process.

### **Evidence of Beneficiary's Educational Background**

You must submit evidence of the beneficiary's education credentials at the time of filing. If all of the requirements for the degree have been met, but the degree has not yet been awarded, the following alternate evidence may be submitted:

- A copy of the beneficiary's final transcript; or
- A letter from the Registrar confirming that all of the degree requirements have been met (if the educational institution does not have a Registrar, such letter must be signed by the person in charge of the educational records where the degree will be awarded).

If you are indicating that the beneficiary is qualified based on a combination of education and experience, please provide substantiating evidence at time of filing.

### **A Duplicate Copy of the H-1B Petition**

You must submit a duplicate copy of your H-1B petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable) if the beneficiary will be applying for a nonimmigrant visa abroad. USCIS will not make a second copy if one is not provided.

You may also choose to submit a duplicate copy of the petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable), even if the beneficiary is requesting a change of status to H-1B or an extension of stay, in case the beneficiary later decides to seek visa

issuance abroad or the H-1B petition is approved but the beneficiary's concurrent change of status or extension of stay request is denied.

You may review the Department of State website to make sure that the consulate indicated on Form I-129 is able to process the beneficiary's nonimmigrant visa application and for any other consulate-specific special instructions.

## **Multiple or Duplicative Filings**

On March 19, 2008, USCIS announced an interim final rule on H-1Bs to prohibit employers from filing multiple or duplicative H-1B petitions for the same employee. To ensure fair and orderly distribution of available H-1Bs, USCIS will deny or revoke multiple or duplicative petitions filed by an employer for the same H-1B worker and will not refund the filing fees submitted with multiple or duplicative petitions.

## **Where to Mail Your H-1B Cap-Subject Petition**

You must file your petition at the correct Service Center depending on the jurisdiction of the H-1B beneficiary's work location(s) as specified in the petition. We have established specific mailing addresses for purposes of identification and processing of H-1B cap-subject cases.

To determine which jurisdiction you are in, see our Web page Direct Filing Addresses for Form I-129, Petition for Nonimmigrant Worker.

Note: A separate mailing address has been established for certain types of educational or nonprofit organizations which file H-1B petitions on behalf of beneficiaries that are exempt from the H-1B numerical limitations.

Please read the filing instructions very carefully. If you file your petition incorrectly, we will reject the petition. Rejected petitions will not retain a filing date and will not be counted toward the H-1B cap.

## **Required Fees**

There are different fees depending on the type of H-1B petition you are submitting. Please refer to *H-1B Data Collection and Filing Fee Exemption Supplement* (pages 17-19 of Form I-129) for detailed instructions on fees.

The following fees may be required with a cap-subject petition:

Base filing fee:

- \$325

**American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee:**

(see *H-1B Data Collection and Filing Fee Exemption Supplement, Part B*):

- \$750 for employers with 1 to 25 full-time equivalent employees, unless exempt
- \$1,500 for employers with 26 or more full-time equivalent employees, unless exempt

**Fraud Prevention and Detection fee:**

- \$500 to be submitted with a request for initial H-1B status or with a request for a beneficiary already in H-1B status to change employers (does not apply to Chile/Singapore H-1B1 petitions)

**Public Law 111-230:**

- \$2,000 to be submitted by a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
- must be submitted with a request for initial H-1B status or a request for a beneficiary already in H-1B status to change employers

**Premium Processing fee:**

- \$1,225 for employers seeking Premium Processing Service

**Checks**

Make checks payable to the Department of Homeland Security or U.S. Citizenship and Immigration Services, dated within the last 6-months, and include the proper guarantee amount and signature.

**Money Orders**

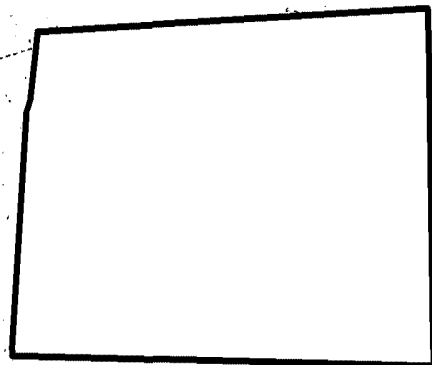
Money orders must be properly endorsed.

**Non-payable Checks or Other Financial Instruments**

USCIS will reject all applications or petitions submitted with the incorrect filing fee. Rejected petitions and petitions in which the check or other financial instrument used to pay the filing fee is returned as non-payable will not retain a filing date. See 8 CFR 103.2(a)(7)(i).

While petitioners are generally provided the opportunity to correct a fee deficiency, pursuant to the regulations, the filing date is not established until and unless the fee deficiency has been corrected. H-1B cap-subject petitions with non-payable fees will be given a new filing date the day the fee deficiency has

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been corrected, as long as the cap has not been met. If the new filing date is after the cap has been met, the petition will be rejected.

## **Premium Processing Service**

H-1B petitions are eligible for the Premium Processing Service. Petitioners may choose to file a Request for Premium Processing Service (Form I-907) to have their petition processed within 15 calendar days. To request premium processing submit:

- the Form I-907 and
- the filing fee of \$1,225 (this fee is in addition to the required base filing and other applicable fees and cannot be waived).

You can file the Form I-907 and corresponding fee:

- at the same time as Form I-129 or
- at any time after you file Form I-129 while it is still pending.

If filed after the Form I-129, be sure to include the receipt number (e.g., EAC 12 123 51234) of the Form I-129 in the pertinent section of Form I-907.

Note: We will only accept the 08/10/09N (or later) edition of Form I-907.

Please see the link to the right for more information concerning the Premium Processing program.

## **Organizing your H-1B package**

Clearly label all H-1B cap cases, preferably in red ink, on the top margin of Form I-129. Use the following codes:

- Regular Cap (65,000 regular cap cases, not including Chile/Singapore cap cases)
- C/S Cap (Chile/Singapore H-1B1s)
- U.S. Master's (20,000 exemption for beneficiaries with U.S. master's or higher degrees)

A separate check for each applicable filing fee (Form I-129, Premium Processing, Fraud Fee, ACWIA fee, and Public Law 111-230) is preferred. Applicable fees should be stapled to the bottom right corner of the top document.

**Preferred order of documents at time of submission:**

- Form I-907 (if filing for Premium Processing Service)
- Form G-28 (if represented by an attorney or accredited representative)
- Form I-129, Petition for a Nonimmigrant Worker
- Addendums/Attachments
- H Classification Supplement to Form I-129 and/or Free Trade Supplement (for H-1B1 Chile-Singapore petitions)
- H-1B Data Collection and Filing Fee Exemption Supplement
- All supporting documentation to establish eligibility
- Provide a Table of Contents for supporting documentation
  - Tab items as listed in Table of Contents
  - Arrival-Departure Record (Form I-94) if the beneficiary is in the U.S.
  - SEVIS Form I-20 if the beneficiary is a current or former F-1 student or F-2 dependent
  - SEVIS Form DS-2019 if the beneficiary is a current or former J-1 or J-2
  - Form I-566 if the beneficiary is a current A or G nonimmigrant
  - DOL certified LCA, Form ETA 9035
  - Employer/attorney/representative letter(s); and
  - Other supporting documentation.
- Duplicate copy of the petition, if necessary. Clearly identify the duplicate copy of the petition as "COPY", so that it is not mistaken for a duplicate filing.

**How to mail multiple petitions together**

If multiple petitions will be included in the same courier service or Post Office package, please place individual petitions into separate envelopes within the package. Individual petition envelopes should be marked with the following labels to reference the type of petition:

- Master's Premium
- Master's
- Regular Premium
- Regular
- Chile/Singapore

## **Filing Tips:**

### **Form G-28, Notice of Entry of Appearance as Attorney or Representative**

If the petitioner will be represented by an attorney or other accredited representative, a properly executed Form G-28 should be submitted. Each Form G-28 should include the following:

- All sections completed
- The printed name and signature of the representative
- The original signature of the petitioner.

### **Form I-129, Petition for a Nonimmigrant Worker**

- Complete all sections of the form accurately.
- H-1B cap petitions and advanced degree exemption petitions for the FY15 cap must include an employment start date of no earlier than October 1, 2015, and no earlier than six months before the requested employment start date. H-1B petitions requesting an earlier employment start date or a start date of "As Soon As Possible" or "ASAP" will be rejected.
- Ensure that the petition is properly signed. Please see the Related Links section for more information on properly signing the petition.
- Petitioners should enter their own address in Part 1, question 3 of the Form I-129 to ensure that the I-797 receipt and approval notices are sent to the petitioner.

Please note: Using an address other than the petitioner's address as the mailing address may cause processing delays related to the Validation Instrument for Business Enterprises (VIBE), as VIBE automatically uses the address provided on the petition to validate the petitioner's current location. If petitioners use an attorney's address as the mailing address on the I-129 petition, a cover letter should be included with the filing that clearly indicates the current address of the petitioner. This information will be used to assist the Immigration Services Officer (ISO) in completing a manual check in VIBE using the petitioner's address. In addition, if an attorney's address is used as the petitioner's mailing address on the form, the petitioner will not receive any I-797 notices.

- Ensure the beneficiary's name is spelled properly and that his/her date of birth is displayed in the proper format (mm/dd/yyyy). Also, country of birth/citizenship and the I-94 number (if applicable) should be reviewed for accuracy.

- If the beneficiary will ultimately be seeking issuance of a visa at a consular office abroad, a copy of the petition and supporting documentation should be included with the filing. For cases where the beneficiary will be seeking a change of status or extension of stay in the United States, you may still choose to submit a duplicate copy in the event the beneficiary will be seeking issuance of a visa at a consular office abroad subsequent to the approval of the change of status or extension of stay is suggested, but not necessary.
- If the beneficiary is seeking an extension or change of status, the petition should include evidence (e.g. Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.
- Include a copy of the beneficiary's valid passport.

(b)(5)



**H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- In listing previous periods of stay in H/L classification (question 3), please also include the actual nonimmigrant classification held (e.g. H-1B or L-1).
- Petitioner must sign the form, preferably in black ink.

**H-1B Data Collection and Filing Fee Supplement form (pages 17 through 19 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- Please enclose page 17 through 19 of the Form I-129 (with a revision date of November 23, 2010 or later).
- Be sure to answer appropriately in Part A, question 2 and Part C, question 2 if the beneficiary has earned a master's degree or higher from a U.S. educational institution as defined in 20 U.S.C. 1001(a).
- If the answer to the first question in Part D on page 19 is "No," that the beneficiary will not be assigned to work at an off-site location, then responses to the remaining two questions in Part D are not required.

**Form I-907, Request for Premium Processing**

- Please be sure to complete all sections of the form accurately with original signatures. Note: We will accept the 08/10/09 edition of Form I-907 (or later).
- The representative may sign in both Parts 3 and 4 of the Form I-907 if there is a valid Form G-28 with the filing. Otherwise, the petitioner's signature is required. Preferably, the signature(s) should be in black ink.
- Please include a copy of the Form I-129 receipt notice along with the Form I-907 when Form I-907 is filed after the filing of Form I-129.

**Holt, Cynthia L**

---

**From:** Peck, Denis R  
**Sent:** Thursday, March 13, 2014 7:18 AM  
**To:** Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia; Tu, David J; King, Alexander R; Doumani, Stephanie M  
**Cc:** Velarde, Barbara Q  
**Subject:** FW: Friday, March 14  
**Attachments:** CSC FY15 CAP Plan 031214.doc; VSC FY15 CAP Plan 031214.doc

These are their finalized plans and I will go over them on Friday when they visit at 11-12. Feel free to join me or send me any questions or concerns you want addressed beforehand.

Thank you,

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

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**From:** [REDACTED] (b)(6)  
**Sent:** Wednesday, March 12, 2014 5:35 PM  
**To:** Thomas Leupp; Peck, Denis R  
**Subject:** RE: Friday, March 14

Denis,

Attached are the updated CAP plans.

Thanks,



(b)(6)

**Holt, Cynthia L**

---

**From:** Lundquist, Lieda F  
**Sent:** Tuesday, March 04, 2014 11:47 AM  
**To:** Sua, Mike T  
**Subject:** FW: CAP Reject Process  
**Attachments:** CAP Quick Reference Sheet.docx

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This is what VSC sent. Please review.

*Thanks,  
Lieda Lundquist  
Supervisory Immigration Services Analyst  
California Service Center  
(949)389-3126*

---

**From:** Fries, Juliet M  
**Sent:** Tuesday, March 04, 2014 9:37 AM  
**To:** Baron, Joyce L; Bennett, Linda J; Hallam, Larry J; Lundquist, Lieda F; Mehta, Dilipkumar N  
**Subject:** FW: CAP Reject Process  
**Importance:** High

FYI

Juliet M Fries  
Section Chief/COR III – Records/AST/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** Cullen, Janice L  
**Sent:** Monday, March 03, 2014 6:31 AM  
**To:** Fries, Juliet M  
**Subject:** FW: CAP Reject Process

Juliet,

I've attached a reference sheet that our assistants use when reviewing CAP cases.

When FCI sends a case for review and we decide that it's going to be rejected we stamp page 6 with a stamp showing VERIFIED, the current date, and CRU. Beside the stamp we'll write a little annotation about why the case is being rejected.

Examples of the annotation:

pg 4 LCA unsigned both copies  
check #1234 incorrect guarantee  
Multiple jurisdiction pg 4 MA & NY pg 1 OH

These notes help us when the case comes back in as an improper reject.

Let me know if you have any further questions. Thank you. J

*Janice L Cullen*

DHS | USCIS | VSC | Immigration Service Analyst | 802.527.4700 x 5075 | [Janice.Cullen@dhs.gov](mailto:Janice.Cullen@dhs.gov)

---

**From:** Stoddard, Becky M  
**Sent:** Thursday, February 27, 2014 1:57 PM  
**To:** Putnam, Anne F; Cullen, Janice L  
**Cc:** Yandow, Jacquelyn D  
**Subject:** RE: CAP Reject Process

Janice,

I believe Juliet wanted the overview written down of the instructions you gave her on the call. I don't think we have a CRU specific SOP for this do we?

Thanks,  
Becky

Becky Stoddard  
SISA  
VSC/CPAU/Clerical  
802-527-4700 x 4699

---

**From:** Putnam, Anne F  
**Sent:** Thursday, February 27, 2014 1:54 PM  
**To:** Stoddard, Becky M; Cullen, Janice L  
**Cc:** Yandow, Jacquelyn D  
**Subject:** FW: CAP Reject Process

See request

*Anne Putnam*  
SISA, USCIS Records  
Vermont Service Center  
802-527-4700 x4690

---

**From:** Fries, Juliet M  
**Sent:** Thursday, February 27, 2014 1:52 PM  
**To:** Putnam, Anne F  
**Cc:** Lundquist, Lieda F  
**Subject:** CAP Reject Process

Anne,  
As I mentioned on the call yesterday, please provide me with the SOP portion regarding CAP reject annotations etc.

Juliet M Fries  
Section Chief/COR III – Records/AST/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

## Acceptability Review for I-129 CAP (FY 15) CAP Quick Reference Sheet

**Review the following for acceptability:**

I129 H1B Pages Needed: 1-6, 11&12, 17 – 19, and LCA, if any pages are missing reject.  
Revision Date: 11/23/10 and after, if earlier than 11/23/10, will need to reject

### Page 2 - Part 2

#2 should be: Blocks A, D or E

#4 should be: Blocks A, B, or D (If C, change to D) due to previous WAC Cap Exempt filings

Any other blocks, may not be CAP, still continue with process

### Page 3 - Part 3

#1 Beneficiary Name, if all name fields are blank reject as incomplete

If only missing DOB, COB, or COC, review petition for information

### Page 4 – Part 4

#8a =No, if Yes see Analyst

### Jurisdiction

#### Page 4 - Part 5

#3 check jurisdiction list, if multi locations go back to page 1 address. If rejecting, stamp Page 6 with Verify Stamp, and annotate "Jurisdiction Pg 4 = state(s) work location. For multi locations also Page 1 = state."

#### Page 17 - Part B

If either blocks 1, 2, or 3 are checked Yes = reject for CAP-exempt, jurisdiction. Do not use blue reject sheet. Use I129#45.

<b>Jurisdiction Review</b>	<b>State Chart with Abbreviation</b>	
<b>State Chart</b>		
	<b>VSC Jurisdiction States:</b>	<b>CSC Jurisdiction States:</b>

	Alabama (AL), Arkansas (AR), Connecticut (CT), Delaware (DE), the District of Columbia (DC), Florida (FL), Georgia (GA), Kentucky (KY), Louisiana (LA), Maine (ME), Maryland (MD), Massachusetts (MA), Mississippi (MS), New Hampshire (NH), New Jersey (NJ), New Mexico (NM), New York (NY), North Carolina (NC), Oklahoma (OK), Pennsylvania (PA), Puerto Rico (PR), Rhode Island (RI), South Carolina (SC), Tennessee (TN), Texas (TX), Vermont (VT), Virginia (VA), U.S. Virgin Islands (VI), or West Virginia (WV).	Alaska (AK), Arizona (AZ), California (CA), Colorado (CO), Guam (GU), Hawaii (HI), Idaho (ID), Illinois (IL), Indiana (IN), Iowa (IA), Kansas (KS), Michigan (MI), Minnesota (MN), Missouri (MO), Montana (MT), Nebraska (NE), Nevada (NV), North Dakota (ND), Ohio (OH), Oregon (OR), South Dakota (SD), Utah (UT), Washington (WA), Wisconsin (WI) or Wyoming (WY).
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**Page 5 - Part 5**

#10 Dates of employment

Must be 10/01/14 or later

If pre 10/01/14 reject

If blank or any information (ASAP) other than the date is listed reject

**Page 6 - Part 7**

Signature Field

Signature must be original, and by the Petitioner

Signature anywhere in part 7 is acceptable

Power of Attorney (POA) letters are acceptable

If not the above, reject for signature

**Pages 17, 18, 19, H1B Data Collection Supplement**

Part A, question #1e:

An additional fee of \$2,000 must be submitted if the petitioner responded "yes" to both questions

**Part B**

Question #1 through #8 should all be NO

Any question answered YES consider as a ACWIA Fee Exempt case, see analyst

If 1 thru 8 are all blank, and the Acwia fee is enclosed, accept 1 thru 8 as all No's.

Any other question left blank see analyst for review

**Part B**

Question # 9

If marked NO = \$1,500 ACWIA fee is needed

If marked YES = \$750 ACWAI fee is needed

Verify I-129 petition, Page 5, Part 5, #13

**Part C**

Block a Regular CAP

Block b Master CAP:

#2 needs to be completed for Masters, if not review Beneficiary information in cover letter  
Page 19, part C should be blank

### **LCA**

If no LCA attached – reject petition

Must be certified, and include all Pages 1-5, if not reject

Page 4, Section K #5 needs petitioner's signature, can be copied or original

Page 5, signature needed by DOL

### **I-907 Request for Premium Processing**

Revision Date: No earlier than 8/10/09

**If only the I-907 or fee are being rejected, do not use the blue reject sheet, indicate the call-ups below on the I-129 CAP CRU Review Green Sheet. These will be placed in a separate box for I-907 issues. On the daily count sheet record as Accept as REG/MAS and reject as I-907.**

Page 1, Part 2, if blank – reject PP#36. If missing partial information, review filing and indicate the information in red ink in the blocks.

### **Signature Field & Check issues:**

Must be original, and signed by Petitioner, or Attorney if a G-28 is present.

If the G-28 is invalid, and Attorney signed Page 2 Part 3, reject: G28#01, and PP#1

I-907 missing page 2: reject PP#3

I-907 W/O fee, or incorrect fee, or not signed: reject PP#1

I-907 submitted fee only, and missing I-907 form: reject PP#5

### **G-28**

G-28 must be complete.

Petitioner signature must be original.

Attorney signature must be original. Stamped signatures are not acceptable.

### **Fees:**

**Please note: ACWIA fee cannot be paid by beneficiary**

**If returning any unneeded fees/only fees, do not use CAP reject blue sheet, use I-129 call-ups.**

Scenario #1		Scenario #2		Scenario #3		Scenario #4	
Base	\$325	Base	\$325	Base	\$325	Base	\$325
Fraud	\$500	Fraud	\$500	Fraud	\$500	Fraud	\$500
ACWIA	\$750	ACWIA	\$1,500	ACWIA	\$750	ACWIA	\$1,500
				Premium	\$1,225	Premium	\$1,225
TOTAL:	\$1,575	TOTAL:	\$2,325	TOTAL:	\$2,800	TOTAL:	\$3,550
*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000
TOTAL:	\$3,575	TOTAL:	\$4,325	TOTAL:	\$4,800	TOTAL:	\$5,550

All REJECTS must be stamped with the CRU VERIFIED stamp on page 6 and annotated with a reason for rejection.

**HSC = Singapore/Chile CAP = H1B1**  
**Beneficiary is a citizen of Chile or Singapore**

Part 2 Question 4 cannot be block (a)  
 First time filings will need to be rejected I-129#05  
 Cannot file Premium Processing, reject PP#27

**To determine HSC: see below**

Fees needed: Base Fee, ACWIA Fee, (Fraud Fee is not required)

Page 2: Blocks a & e, or Blocks a & f will be checked

Pages needed:

Pages 1- 6

Supplement page 10, section 1, blocks c or d indicating Chile or Singapore Free Trade

Data Collection Pages 17, 18, and 19; Page 18 Part C #1 = c

LCA, Page 1 Part A, #1= H1B1 Chile or Singapore

Also, review the cover letter for any indication of Free Trade, and Records I129 H1B

Guidelines: 03/12/2012

If all the above is determine and acceptable, indicate HSC on the worksheet.

If missing any of the above, and unsure, see an analyst

**Extra notes from previous CAP years:**

If concurrent & with same company, previous CAP Exempt, the Fraud Fee is not needed.  
Key F and D. Use I129#20 to return Fraud Fee, if separate check.

If Page 18, Part B, #7 is Yes, for primary or secondary education, the Acwia Fee is not needed.  
If the Acwia fee is submitted, reject, use I129#20 if separate check.

Last year some filings were missed when bar coding for the random generator. When they were located in the boxes, they were accepted. If found, add to the daily count sheet, inform  of the Company, Beni, and PP or NON-PP, and REG or MAS.

(b)(6)

I129 CAP/with I539 rider: The I-539 S/B classification of H4.

If I-129 is acceptable and only the I-539 needs to be rejected, see the issues below:

No Signature = Sign#03

Copied Signature = Sign#01

No Fee = Pay#05

Missing Pages = Misc#07

# CAP 2015 1<sup>ST</sup> SORT TRAINING CONTENTS

## OBJECTIVES:

- Envelope review (Critical)
- CAP Sorting and Daily Presort Sorting

Understanding of the Package notations that indicates whether its CAP mail or Daily mail.

Envelope review is our first step of the CAP envelope reviewing process complete by mailroom clerks and it is essential in ensuring each mail package is handled appropriately.

## WHAT TO DO:

All packages must be reviewed, identified and sorted. Generally the mail is sent in large plastic bags but sometimes it comes in boxes, open the contents of the bag, and begin to identify and sort the mail.

## ENVELOPE IDENTIFIERS:

**All packages sent to or annotated with the following need to be sorted as CAP Mail:**

- Packages sent to **PO BOX 10129, PO BOX 30040, AND BOX 10825**
- Packages that have “**CAP, H1B, 1B1 or 1B**” indicator annotated on the outside of the package.
- Packages marked with only **I-129** without a classification listed
- Packages marked “**CAP EXEMPT or Not Subject to CAP**”
- Packages with **NO** indicator

**\*\*\* FedEx packages – reference the shipping label for a “RE:” to determine sort**

**\*\*\* Letter size envelopes without any indication needs to go to the Daily Presort Mail Cage.**

**The packages are to be placed in buckets, if available.**

**Packages not addressed to the above PO Boxes and/or listing a different form type needs to be put in the Daily Presort Mail cage.**

When in doubt, ask a Supervisor.

There will be two drop offs, one for the **CAP sorting buckets** and the other one for **Daily Presort sorting buckets**.

## SAFETY AND SECURITY

- Always have two clerks moving the cages. One clerk should be at the front and the other one at the back of the cage.
- Full cages can be heavy and awkward. This will help to ensure the mail is delivered safely.
- In order to safely maneuver the cages, the clerk in the back will push, and the clerk in the front should steer.
- The clerk in the back will also ensure no envelopes fall out while the cage is in transit.

**NOTE: No envelopes need to be open during the 1<sup>st</sup> sort step!**

**I-129 CAP**  
**CIS REVIEW CHECK LIST**

- 1- Page 1:
- Missing Name of Company; or petitioner's name.
  - Foreign Address: Send to review.
  - Missing/Incomplete address.
- 2 - Page 2:
- #2: Blank or Multiple boxes is marked.
  - #4: Blank or Multiple boxes is marked.
  - #5: More than one beneficiaries listed.
- 3 - Page 3:
- Missing beneficiary information.
  - COB/COC is Chile/Singapore.
- 4 - Page 4:
- Part 5, #3: Blank or multiple Jurisdictions and address in part 1 is the same the Attorney's address on G-28.
- 5 - Page 5:
- #10: Date of intended employment is blank.
- 6- **Master CAP:** Address in part C #2d is blank and part A #2 is marked g; h or i.
- 7 - Page 18 part B, #9 - the box marked/blank does not match the fee that is submitted.
- 8- Page 19, Part C #1 is no box marked.
- 9 - Page 17, Part B one or more boxes is marked "Yes" but ACWIA Fee is submitted.
- 10- Page 17, part A #1e both boxes are blank or one box is marked only.
- 11 - Page 18 & 19 #3 one or more boxes is/are marked.
- 12 - Others: \_\_\_\_\_

**I-907**  
**CIS REVIEW CHECK LIST**

- 1 - **Page 1, part 2:**
- Number 2 has a receipt number.
  - Number \_\_\_\_\_ Missing.
  - Number \_\_\_\_\_ Not match
  - Number 4: the petitioner is not match with the CO's name in page 1, part 1
  - Number 5: the beneficiary information is not match with I-129 page 3.

2 - Others: \_\_\_\_\_

**I-539**  
**CIS REVIEW CHECK LIST**

1 - **Part 1:**  
• Part 1: Application name is the same with I-129's bene's name.

2 - **Part 2:**  
• #1: b is marked and missing status.  
• #2: a is marked with additional dependent or b is marked with no additional dependent.

3- **Part 3: #4 name not match with petitioner & beneficiary of I-129.**

4 - **Others:** \_\_\_\_\_

**CIS REVIEW RESPONSE:**

**Comments:**

Ok To Process.

Reject.

Other.

## Holt, Cynthia L

---

**From:** Fries, Juliet M  
**Sent:** Thursday, February 13, 2014 11:10 AM  
**To:** Fierro, Joseph; Tamanaha, Emisa T  
**Cc:** Lundquist, Lieda F; Benavente, Jessy J; Chong, Jenny; Baltaretu, Cristina G; Nicholson, Richard E  
**Subject:** RE: FY15 CAP Rejects Handling  
**Categories:** Yellow Category

I am still looking into the details of stamp process so will get back to you with final comments as soon as possible.

Juliet M Fries  
Section Chief/COR III – Records/AST/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** Fierro, Joseph  
**Sent:** Thursday, February 13, 2014 9:05 AM  
**To:** Tamanaha, Emisa T; Fries, Juliet M  
**Cc:** Lundquist, Lieda F; Benavente, Jessy J; Chong, Jenny; Baltaretu, Cristina G; Nicholson, Richard E  
**Subject:** RE: FY15 CAP Rejects Handling

Juliet:

Just would like to add here that in the past adjudications has been asked for a final decision on whether to accept or reject, but since I have found that most of the issues that come up are usually more contractor related procedures, or are questions that fall under the records realm, we will be deferring to you for any final decisions on rejects. Of course, we are available for consultation on any adjudications issues/questions that may arise.

Thanks,

Joe

---

**From:** Tamanaha, Emisa T  
**Sent:** Wednesday, February 12, 2014 9:06 PM  
**To:** Fries, Juliet M  
**Cc:** Lundquist, Lieda F; Benavente, Jessy J; Fierro, Joseph; Chong, Jenny; Baltaretu, Cristina G; Nicholson, Richard E  
**Subject:** FY15 CAP Rejects Handling

Hi Juliet,

Lauren of SCOPS wanted me to share our plan with regard to the duplicate handling, so I wanted to re-cap our discussion after yesterday's CAP call:

- Lieda is ordering stamps for the contractor to use on all CAP rejects.
- Contractor will be stamping every single page of the Form I-129 as well as the LCA and will annotate the date received with initial.

## Holt, Cynthia L

---

**From:** Peck, Denis R  
**Sent:** Wednesday, May 07, 2014 8:16 AM  
**To:** Boudreau, Lynn A; Loughlin, Stephen J; Stoddard, Becky M; Liang, Gwen  
**Subject:** FW: Just to confirm how we are DEing the rejects / SS# should be recorded whenever present  
**Attachments:** Cap Rejects FY2015 Sample.xlsx

These are the six vital fields and the format, and I know we all are on the same page now after yesterday's call.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

---

**From:** Liang, Gwen  
**Sent:** Tuesday, May 06, 2014 5:20 PM  
**To:** Lundquist, Lieda F  
**Cc:** Fries, Juliet M; Hallam, Larry J; Peck, Denis R; Fedak, Orest S  
**Subject:** RE: Just to confirm how we are DEing the rejects / SS# should be recorded whenever present

Lieda,  
Please see the attachment for a sample format to use as the source rejects.  
Thank you for checking!  
Denis, I think it is a good idea to also forward this sample to VSC.

### *Gwen Liang*

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.  
20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

 (b)(6)

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**From:** Lundquist, Lieda F  
**Sent:** Tuesday, May 06, 2014 4:45 PM  
**To:** Liang, Gwen  
**Cc:** Fries, Juliet M; Hallam, Larry J  
**Subject:** FW: Just to confirm how we are DEing the rejects / SS# should be recorded whenever present

Gwen,

To ensure that we send you the correct "reject" information in a format that will be more useful to you, please provide us with a sample spreadsheet of the requested data elements.

Thanks,  
*Lieda Lundquist*

---

**From:** Peck, Denis R  
**Sent:** Tuesday, May 06, 2014 7:03 AM  
**To:** Fries, Juliet M; Nicholson, Richard E; Lundquist, Lieda F; Boudreau, Lynn A; Loughlin, Stephen J; Stoddard, Becky M  
**Cc:** Liang, Gwen; Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** FW: Just to confirm how we are DEing the rejects / SS# should be recorded whenever present

These are the vital data fields we want captured whenever they appear on the form, and the format in which we want them data entered.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

---

**From:** Liang, Gwen  
**Sent:** Tuesday, May 06, 2014 9:48 AM  
**To:** Doumani, Stephanie M; Cox, Sophia; Peck, Denis R  
**Cc:** Fedak, Orest S; Aucoin, Lauren J  
**Subject:** RE: Just to confirm how we are DEing the rejects

The beneficiary's SSN will be used to identify a person. If it is not available, we will use beneficiary's first name and last name instead, which is not very reliable. Although there were not many SSNs entered, it was still very valuable in finding duplicate filers by using the SSNs we were provided in the past. Therefore for the non data entered rejects, if the beneficiary's SSN is available on the form, please provide it. Here again is a recap of what data elements we need..

- i. Barcode
- ii. Petitioner tax ID (example: '593719910')
- iii. Beneficiary's first and last name
- iv. Beneficiary's date of birth (example: '19831203') - yyyymmdd
- v. Beneficiary's SSN if available on the form (example: '123456789')

**Gwen Liang**

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.  
20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060



(b)(6)

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**From:** Doumani, Stephanie M  
**Sent:** Tuesday, May 06, 2014 9:10 AM  
**To:** Cox, Sophia; Peck, Denis R  
**Cc:** Fedak, Orest S; Liang, Gwen; Aucoin, Lauren J  
**Subject:** RE: Just to confirm how we are DEing the rejects

I believe last year if there was a social security number, we were recording it. In one of our prior meetings, Gwen had requested that we record it if it is available and we agreed.

Just a side note - many beneficiaries will not have a social security number and we will likely have to rely on FEIN numbers (Tin #) for identification purposes.

---

**From:** Cox, Sophia  
**Sent:** Tuesday, May 06, 2014 8:23 AM  
**To:** Peck, Denis R; Doumani, Stephanie M  
**Cc:** Fedak, Orest S; Liang, Gwen  
**Subject:** RE: Just to confirm how we are DEing the rejects

Since I was not involved in this last year, I will defer. Gwen and Stephanie, do you know how we have handled in the past? --Sophia

---

**From:** Peck, Denis R  
**Sent:** Tuesday, May 06, 2014 8:17 AM  
**To:** Doumani, Stephanie M; Cox, Sophia  
**Cc:** Fedak, Orest S; Liang, Gwen  
**Subject:** RE: Just to confirm how we are DEing the rejects

This came in later. I don't know if not recording the SS# will detract or not.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529  
202-272-1081/202-731-2452

---

**From:** Doumani, Stephanie M  
**Sent:** Tuesday, May 06, 2014 8:13 AM  
**To:** Cox, Sophia; Peck, Denis R  
**Cc:** Fedak, Orest S; Liang, Gwen  
**Subject:** RE: Just to confirm how we are DEing the rejects

Hi Denis,

I agree that a follow up meeting would be good as well to ensure they are processing the duplicates correctly. If possible, can you please let me know when the call is as well so that I can fill Lauren in once she gets back.

Thanks,  
Stephanie

---

**From:** Cox, Sophia  
**Sent:** Tuesday, May 06, 2014 7:43 AM  
**To:** Peck, Denis R  
**Cc:** Fedak, Orest S; Liang, Gwen; Doumani, Stephanie M  
**Subject:** RE: Just to confirm how we are DEing the rejects

Removing CSC and VSC for a minute. Thanks, Denis, for double checking with the centers. Per your prior message, I agree with you that a call would be good. Set it up and we'll be there. I'll make sure you have access to my calendar. --Sophia

---

**From:** Peck, Denis R

**Sent:** Monday, May 05, 2014 4:59 PM

**To:** Loughlin, Stephen J; Boudreau, Lynn A; Fries, Juliet M; Nicholson, Richard E

**Cc:** Fedak, Orest S; Liang, Gwen; Doumani, Stephanie M; Cox, Sophia

**Subject:** Just to confirm how we are DEing the rejects

I just want to be safe and verify these three fields in particular

Date of birth: YYYYMMDD - as in 20140506 would be Tuesday. No slash marks separating.

SS# - 9 digits, no hyphens or spaces

TIN# - 9 digits, no hyphens or spaces

Denis Peck

Chief, Records Management Branch

SCOPS/USCIS/DHS

20 Massachusetts Ave, NW Room 2008

Washington, DC 20529

202-272-1081/202-731-2452

BARCODE	PET_EIN	BENE_SSN	BENE_FIRST	BENE_LAST	BENE_DOB
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(b)(6)

Please format all as 'Text'

**Holt, Cynthia L.**

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**From:** Lundquist, Lieda F  
**Sent:** Saturday, April 12, 2014 4:50 PM  
**To:** Antoine, Bennie R; Dequiroz, Perfida; Fernandez, Troy Q; Rodriguez, George E; Sua, Mike T  
**Subject:** FW: Received Date is TODAY APRIL 10

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thanks,

*Lieda Lundquist*

Supervisory Immigration Service Analyst

USCIS | California Service Center

 949.389.3126

---

**From:** Fries, Juliet M  
**Sent:** Thursday, April 10, 2014 7:39 AM  
**To:** Baron, Joyce L; Bennett, Linda J; Hallam, Larry J; Lundquist, Lieda F; Mehta, Dilipkumar N; Vazquez, Jaime  
**Subject:** FW: Received Date is TODAY APRIL 10

FYI

Juliet M. Fries  
Section Chief/COR III Records/CIS Review  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** Peck, Denis R  
**Sent:** Thursday, April 10, 2014 6:36 AM  
**To:** Fries, Juliet M; Loughlin, Stephen J; Nicholson, Richard E; Boudreau, Lynn A  
**Subject:** Received Date is TODAY APRIL 10

If I was not clear on this, the selection date is today and the received date will be today, April 10, until every petition is data entered.

Be very attentive that the contractor maintains this date accurately this year so we have as few with a different date as possible when we're done.

Frankly if you want to not data enter any other I-129s today to minimize any confusion later, I would be okay with that and you can do them tomorrow.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Ave, NW Room 2008  
Washington, DC 20529



## H-1B Fiscal Year (FY) 2015 Cap Season

### The H-1B Program

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or practical application of a body of highly specialized knowledge, including but not limited to: scientists, engineers, or computer programmers.

For more information about the H-1B program, see the link to the left under temporary workers for H-1B Specialty Occupations and Fashion Models.

### How USCIS Determines if an H-1B Petition is Subject to the FY 2015 Cap

We use the information provided in Part C of the H-1B Data Collection and Filing Fee Exemption Supplement (Form I-129, pages 17 through 19, with a revision date of November 23, 2010, or later) to determine whether a petition is subject to the 65,000 H-1B numerical limitation (the "cap"). Some petitions are exempt from the cap under the advanced degree exemption provided to the first 20,000 petitions filed for a beneficiary who has obtained a U.S. master's degree or higher. Unless otherwise exempt from the cap, petitions filed on behalf of beneficiaries who have obtained a U.S. master's degree or higher will be counted against the regular cap once USCIS has received sufficient petitions to reach the advanced degree exemption.

### FY 2015 H-1B Cap Count

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000		
H-1B Master's Exemption	20,000		

### Cap Eligible Petitions

This is the number of petitions that USCIS has accepted for this particular type of cap. It includes cases that have been approved or are still pending. It does not include petitions that have been denied.

## Cap Amounts

The current annual cap on the H-1B category is 65,000. Not all H-1B nonimmigrants are subject to this annual cap. Please note that up to 6,800 visas are set aside from the cap of 65,000 during each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Unused numbers in this pool are made available for H-1B use for the next fiscal year.

## When to File an FY 2015 H-1B Cap-Subject Petition

We will begin accepting H-1B petitions that are subject to the FY 2015 cap on April 1, 2014. You may file an H-1B petition no more than 6 months in advance of the requested start date.

## How to Ensure USCIS Considers Your H-1B Cap-Subject Petition to be Properly Filed

Please comply with the following to ensure that your petition is properly filed:

- Complete all sections of the Form I-129 petition, including the H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129) and the H-1B Data Collection and Filing Fee Exemption Supplement (pages 17 through 19). We accept Form I-129 with a revision date of November 23, 2010, or later.
- Original signatures, preferably in black ink, are required on each form.
- Include a signed check or money order with the correct fee amount.
- Ensure that all required documentation and evidence is submitted with the petition at the time of filing to ensure timely processing.

Note: It is your responsibility to ensure that Form I-129 is completed accurately. Failure to complete Form I-129 with the correct information and/or provide the required fees or documentation may result in the rejection or denial of the H-1B petition.

Additionally, be sure to file the petition at the correct USCIS Service Center. See section below on **"Where to Mail Your H-1B Cap-Subject Petition."**

## **Additional Documents Required With Your Petition**

### **Labor Condition Application (LCA)**

You must submit a certified Department of Labor (DOL) LCA (Form ETA 9035) at the time of filing your petition. A copy of the LCA is acceptable.

Note: USCIS encourages petitioners to keep DOL LCA processing times in mind when preparing the H-1B petition and plan accordingly. If the LCA certified by DOL is for multiple workers, you must provide the name and USCIS case receipt number of any alien who has previously utilized the LCA.

Petitioners should be sure to sign the LCA prior to submitting it with the petition to USCIS.

Please see Department of Labor's [Office of Foreign Labor Certification](#) website for further information on the LCA process.

### **Evidence of Beneficiary's Educational Background**

You must submit evidence of the beneficiary's education credentials at the time of filing. If all of the requirements for the degree have been met, but the degree has not yet been awarded, the following alternate evidence may be submitted:

- A copy of the beneficiary's final transcript; or
- A letter from the Registrar confirming that all of the degree requirements have been met (if the educational institution does not have a Registrar, such letter must be signed by the person in charge of the educational records where the degree will be awarded).

If you are indicating that the beneficiary is qualified based on a combination of education and experience, please provide substantiating evidence at time of filing.

### **A Duplicate Copy of the H-1B Petition**

You must submit a duplicate copy of your H-1B petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable) if the beneficiary will be applying for a nonimmigrant visa abroad. USCIS will not make a second copy if one is not provided.

You may also choose to submit a duplicate copy of the petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable), even if the beneficiary is requesting a change of status to H-1B or an extension of stay, in case the beneficiary later decides to seek visa issuance abroad or the H-1B petition is approved but the beneficiary's concurrent change of status or extension of stay request is denied.

You may review the Department of State website to make sure that the consulate indicated on Form I-129 is able to process the beneficiary's nonimmigrant visa application and for any other consulate-specific special instructions.

## **Multiple or Duplicative Filings**

On March 19, 2008, USCIS announced an interim final rule on H-1Bs to prohibit employers from filing multiple or duplicative H-1B petitions for the same employee. To ensure fair and orderly distribution of available H-1Bs, USCIS will deny or revoke multiple or duplicative petitions filed by an employer for the same H-1B worker and will not refund the filing fees submitted with multiple or duplicative petitions.

## **Where to Mail Your H-1B Cap-Subject Petition**

You must file your petition at the correct Service Center depending on the jurisdiction of the H-1B beneficiary's work location(s) as specified in the petition. We have established specific mailing addresses for purposes of identification and processing of H-1B cap-subject cases.

To determine which jurisdiction you are in, see our Web page Direct Filing Addresses for Form I-129, Petition for Nonimmigrant Worker.

Note: A separate mailing address has been established for certain types of educational or nonprofit organizations which file H-1B petitions on behalf of beneficiaries that are exempt from the H-1B numerical limitations.

Please read the filing instructions very carefully. If you file your petition incorrectly, we will reject the petition. Rejected petitions will not retain a filing date and will not be counted toward the H-1B cap.

## **Required Fees**

There are different fees depending on the type of H-1B petition you are submitting. Please refer to *H-1B Data Collection and Filing Fee Exemption Supplement* (pages 17-19 of Form I-129) for detailed instructions on fees.

The following fees may be required with a cap-subject petition:

Base filing fee:

- \$325

**American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee:**

(see *H-1B Data Collection and Filing Fee Exemption Supplement*, Part B):

- \$750 for employers with 1 to 25 full-time equivalent employees, unless exempt
- \$1,500 for employers with 26 or more full-time equivalent employees, unless exempt

**Fraud Prevention and Detection fee:**

- \$500 to be submitted with a request for initial H-1B status or with a request for a beneficiary already in H-1B status to change employers (does not apply to Chile/Singapore H-1B1 petitions)

**Public Law 111-230:**

- \$2,000 to be submitted by a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
- must be submitted with a request for initial H-1B status or a request for a beneficiary already in H-1B status to change employers

**Premium Processing fee:**

- \$1,225 for employers seeking Premium Processing Service

**Checks**

Make checks payable to the Department of Homeland Security, dated within the last 6 months, and include the proper guarantee amount and signature.

**Money Orders**

Money orders must be properly endorsed.

**Non-payable Checks or Other Financial Instruments**

USCIS will reject all applications or petitions submitted with the incorrect filing fee. Rejected petitions and petitions in which the check or other financial instrument used to pay the filing fee is returned as non-payable will not retain a filing date. See 8 CFR 103.2(a)(7)(i).

While petitioners are generally provided the opportunity to correct a fee deficiency, pursuant to the regulations, the filing date is not established until and

unless the fee deficiency has been corrected. H-1B cap-subject petitions with non-payable fees will be given a new filing date the day the fee deficiency has been corrected, as long as the cap has not been met. If the new filing date is after the cap has been met, the petition will be rejected.

## **Premium Processing Service**

H-1B petitions are eligible for the Premium Processing Service. Petitioners may choose to file a Request for Premium Processing Service (Form I-907) to have their petition processed within 15 calendar days. To request premium processing submit:

- the Form I-907 and
- the filing fee of \$1,225 (this fee is in addition to the required base filing and other applicable fees and cannot be waived).

You can file the Form I-907 and corresponding fee:

- at the same time as Form I-129 or
- at any time after you file Form I-129 while it is still pending.

If filed after the Form I-129, be sure to include the receipt number (e.g., EAC 12 123 51234) of the Form I-129 in the pertinent section of Form I-907.

Note: We will only accept the 08/10/09N (or later) edition of Form I-907.

Please see the link to the right for more information concerning the Premium Processing program.

## **Organizing your H-1B package**

Clearly label all H-1B cap cases, preferably in red ink, on the top margin of Form I-129. Use the following codes:

- Regular Cap (65,000 regular cap cases, not including Chile/Singapore cap cases)
- C/S Cap (Chile/Singapore H-1B1s)
- U.S. Master's (20,000 exemption for beneficiaries with U.S. master's or higher degrees)

A separate check for each applicable filing fee (Form I-129, Premium Processing, Fraud Fee, ACWIA fee, and Public Law 111-230) is preferred. Applicable fees should be stapled to the bottom right corner of the top document.

**Preferred order of documents at time of submission:**

- Form I-907 (if filing for Premium Processing Service)
- Form G-28 (if represented by an attorney or accredited representative)
- Form I-129, Petition for a Nonimmigrant Worker
- Addendums/Attachments
- H Classification Supplement to Form I-129 and/or Free Trade Supplement (for H-1B1 Chile-Singapore petitions)
- H-1B Data Collection and Filing Fee Exemption Supplement
- All supporting documentation to establish eligibility
- Provide a Table of Contents for supporting documentation
  - Tab items as listed in Table of Contents
  - Arrival-Departure Record (Form I-94) if the beneficiary is in the U.S.
  - SEVIS Form I-20 if the beneficiary is a current or former F-1 student or F-2 dependent
  - SEVIS Form DS-2019 if the beneficiary is a current or former J-1 or J-2
  - Form I-566 if the beneficiary is a current A or G nonimmigrant
  - DOL certified LCA, Form ETA 9035
  - Employer/attorney/representative letter(s); and
  - Other supporting documentation.
- Duplicate copy of the petition, if necessary. Clearly identify the duplicate copy of the petition as "COPY", so that it is not mistaken for a duplicate filing.

**How to mail multiple petitions together**

If multiple petitions will be included in the same courier service or Post Office package, please place individual petitions into separate envelopes within the package. Individual petition envelopes should be marked with the following labels to reference the type of petition:

- Master's Premium
- Master's
- Regular Premium
- Regular
- Chile/Singapore

## **Filing Tips:**

### **Form G-28, Notice of Entry of Appearance as Attorney or Representative**

If the petitioner will be represented by an attorney or other accredited representative, a properly executed Form G-28 should be submitted. Each Form G-28 should include the following:

- All sections completed
- The printed name and signature of the representative
- The original signature of the petitioner.

### **Form I-129, Petition for a Nonimmigrant Worker**

- Complete all sections of the form accurately.
- H-1B cap petitions and advanced degree exemption petitions for the FY15 cap must include an employment start date of no earlier than October 1, 2014, and no earlier than six months before the requested employment start date. H-1B petitions requesting an earlier employment start date or a start date of "As Soon As Possible" or "ASAP" will be rejected.
- Ensure that the petition is properly signed. Please see the Related Links section for more information on properly signing the petition.
- Petitioners should enter their own address in Part 1, question 3 of the Form I-129 to ensure that the I-797 receipt and approval notices are sent to the petitioner, and if applicable, the attorney/ representative.

Please note: Using an address other than the petitioner's address as the mailing address may cause processing delays related to the Validation Instrument for Business Enterprises (VIBE), as VIBE automatically uses the address provided on the petition to validate the petitioner's current location. If petitioners use an attorney's address as the mailing address on the I-129 petition, a cover letter should be included with the filing that clearly indicates the current address of the petitioner. This information will be used to assist the Immigration Services Officer (ISO) in completing a manual check in VIBE using the petitioner's address. In addition, if an attorney's address is used as the petitioner's mailing address on the form, the petitioner will not receive any I-797 notices.

- Ensure the beneficiary's name is spelled properly and that his/her date of birth is displayed in the proper format (mm/dd/yyyy). Also, country of birth/citizenship and the I-94 number (if applicable) should be reviewed for accuracy.

- If the beneficiary will ultimately be seeking issuance of a visa at a consular office abroad, a duplicate copy of the petition and supporting documentation should be included with the filing. For cases where the beneficiary will be seeking a change of status or extension of stay in the United States, you may still choose to submit a duplicate copy in the event the beneficiary will be seeking issuance of a visa at a consular office abroad subsequent to the approval of the change of status or extension of stay.
- If the beneficiary is seeking an extension or change of status, the petition should include evidence (e.g. Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.

- The petitioner should include a copy of the beneficiary's valid passport.

**H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- In listing previous periods of stay in H/L classification (question 3), please also include the actual nonimmigrant classification held (e.g. H-1B or L-1).
- Petitioner must sign the form, preferably in black ink.

**H-1B Data Collection and Filing Fee Supplement form (pages 17 through 19 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- Please enclose page 17 through 19 of the Form I-129 (with a revision date of November 23, 2010 or later).
- Be sure to answer appropriately in Part A, question 2 and Part C, question 2 if the beneficiary has earned a master's degree or higher from a U.S. educational institution as defined in 20 U.S.C. 1001(a).
- If the answer to the first question in Part D on page 19 is "No," that the beneficiary will not be assigned to work at an off-site location, then responses to the remaining two questions in Part D are not required.

**Form I-907, Request for Premium Processing**

- Please be sure to complete all sections of the form accurately with original signatures. Note: We will accept the 08/10/09 (or later) edition of Form I-907.
- The representative may sign in both Parts 3 and 4 of the Form I-907 if there is a valid Form G-28 with the filing. Otherwise, the petitioner's signature is required. Preferably, the signature(s) should be in black ink.
- Please include a copy of the Form I-129 receipt notice along with the Form I-907 when Form I-907 is filed after the filing of Form I-129.

## Optional Checklist for Form I-129 H-1B Filings

*This is an optional checklist to assist FY 2015 H-1B petitioners submit an I-129 H-1B petition.*

*Do not submit this checklist to USCIS.*

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All checks or money orders are signed and made payable to the "U.S. Department of Homeland Security." If the petition is submitted with the wrong filing fee, it will be rejected as improperly filed.

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Proper fees are enclosed:

- Base fee of **\$325**
- ACWIA fee of **\$750/\$1,500** (if/as applicable)
- Fraud Prevention and Detection fee of **\$500** (if applicable)
- Public Law 111-230 fee of **\$2,000** (if applicable)
- Premium Processing Service fee of **\$1,225** (if applicable)

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Petition includes original signatures (preferably in black ink) on **Pages 6, 7, 10** (if applicable) and **12** of Form I-129 (with a revision date of 11/23/10 or later).

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All sections of the Form I-129, H Classification Supplement to Form I-129, and H-1B Data Collection and Filing Fee Exemption Supplement (with revision date of 11/23/10 or later) are completed and all required pages are enclosed.

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Form I-907 (with revision date of 8/10/09 or later) is completed, signed in the original, and enclosed if seeking Premium Processing Service. NOTE: If you are signing Form I-907 as an attorney or accredited representative for the petitioner, ensure a properly completed and signed Form G-28 accompanies the petition.

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A corresponding Labor Condition Application (LCA) that has been certified by the Department of Labor (DOL) and is signed by petitioner and attorney/representative, if applicable, and enclosed.

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Petition is being mailed with appropriate labels to the California Service Center (CSC) or Vermont Service Center (VSC) consistent with filing jurisdictions and instructions listed at [www.uscis.gov](http://www.uscis.gov).

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Discretionary Release

All questions on Form I-129, H-1B Data Collection and Filing Fee Exemption Supplement (with a revision date of 11/23/10 or later), **Pages 17 through 19**, (particularly those in **Part C**) are answered correctly.

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**H-1B Regular Cap**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Includes current H-1Bs that were previously cap exempt and are now seeking to change to cap-subject employment.
  3. Check the box for **1a** on **Part C** of **Page 18**.
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**H-1B Advanced U.S. Degree Exemption**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary has earned a master's (or higher) degree from a U.S. educational institution.
  3. Check the box for **1b** on **Part C** of **Page 18** and complete **Question 2, Part C** on **Page 18**.
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**Chile/Singapore H-1B1 Cap**

1. Requested start date for a FY 2015 H-1B1 must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary is a national of Chile or Singapore.
  3. Check the box for **1c** on **Part C** of **Page 18**.
  4. Complete and submit **Page 10**, Trade Agreement Supplement to Form I-129.
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**H-1B Cap-Exempt or Non-Cap H-1B Extension of Stay**

1. If the petitioner is cap exempt or otherwise not cap-subject, check the box for **1d** on **Part C** of **Page 18** and complete **Question 3, Part C** on **Pages 18** and **19**.
  2. Includes current H-1Bs that were previously counted towards the cap.
  3. Includes amended petitions where the petitioner is seeking to notify USCIS of changes to employment conditions of a current H-1B beneficiary.
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# Questions and Answers [insert date]

## Extension of Post Completion Optional Practical Training (OPT) and F-1 Status for Eligible Students under the H-1B Cap-Gap Regulations

### Introduction

These Questions & Answers address the automatic extension of F-1 student status in the United States for certain students with pending or approved H-1B petitions (indicating a request for change of status from F-1 to H-1B) for an employment start date of October 1, 2014 under the Fiscal Year (FY) 2015 H-1B cap.

### Questions & Answers

#### **Q1. What is "Cap-Gap" and how does it occur?**

*A1.* An employer may not file, and USCIS may not accept, an H-1B petition submitted more than six months in advance of the date of actual need for the beneficiary's services or training. As a result, the earliest date that an employer can file an H-1B cap-subject petition is April 1, for the following fiscal year, starting October 1. If USCIS approves the H-1B petition and the accompanying change of status request, the earliest date that the student may start the approved H-1B employment is October 1. The period of time when an F-1 student's status and work authorization expire through the start date of their approved H-1B employment period is known as the "Cap-Gap".

#### **Q2. What is the "Cap-Gap" extension?**

*A2.* Current regulations allow certain students with pending or approved H-1B petitions to remain in F-1 status during the period of time when an F-1 student's status and work authorization would otherwise expire through the start date of their approved H-1B employment period. This is referred to as filling the "cap-gap," meaning the regulations provide a way of filling the "gap" between the end of F-1 status and the beginning of H-1B status that might otherwise occur if F-1 status is not extended for qualifying students.

#### **Q3. Which petitions and beneficiaries qualify for a cap-gap extension?**

*A3.* H-1B petitions that are timely filed, on behalf of an eligible F-1 student, that request a change of status to H-1B on October 1 qualify for a cap-gap extension.

Timely filed means that the H-1B petition (indicating change of status rather than consular processing) was filed during the H-1B acceptance period which begins April 1, 2014 while the student's authorized F-1 duration of status (D/S) admission was still in effect (including any period of time during the academic course of study, any authorized periods of post-completion Optional Practical Training (OPT), and the 60-day departure preparation period, commonly known as the "grace period").

Once a timely filing has been made, requesting a change of status to H-1B on October 1, the automatic cap-gap extension will begin and will continue until the H-1B petition adjudication process has been completed. If the student's H-1B petition is selected and approved, the student's extension will continue through September 30. If the student's H-1B petition is denied, withdrawn, revoked, or is not selected, the student will have the standard 60-day grace period from the date of the notification of the denial, rejection, or revocation of the petition, or their program end date, whichever is later, depart the United States.

Students are strongly encouraged to stay in close communication with their petitioning employer during the cap-gap extension period for status updates on the H-1B petition processing.

**Q4. What if I do not qualify for the "Cap-Gap" extension?**

A4. F-1 students who do not qualify for a cap-gap extension, and whose periods of authorized stay expire before October 1, are required to leave the United States, apply for an H-1B visa at a consular post abroad, and then seek readmission to the United States in H-1B status, for the dates reflected on the approved H-1B petition.

**Q5. How does a student covered under the cap-gap extension obtain proof of continuing status?**

A5. The student should go to their Designated School Official (DSO) with evidence of a timely filed H-1B petition (indicating a request for change of status rather than for consular processing), such as a copy of the petition and a FedEx, UPS, or USPS Express/certified mail receipt. The student's DSO will issue a preliminary cap-gap I-20 showing an extension until June 1.

If the H-1B petition is selected for adjudication, the student should return to his or her DSO with a copy of the petitioning employer's Form I-797, Notice of Action, with a valid receipt number, indicating that the petition was filed and accepted. The student's DSO will issue a new cap-gap I-20 indicating the continued extension of F-1 status.

**Q6. Is a student who becomes eligible for an automatic cap-gap extension of status and employment authorization, but whose H-1B petition is subsequently rejected, denied or revoked, still allowed the 60-day grace period?**

A6. If USCIS denies, rejects, or revokes an H-1B petition filed on behalf of an F-1 student covered by the automatic cap-gap extension of status, the student will have the standard 60-day grace period (from the date of the notification of the denial, rejection, or revocation of the petition) before he or she is required to depart the United States.

For denied cases the 60-day grace period does not apply to an F-1 student whose accompanying change of status request is denied due to the discovery of a status violation, misrepresentation, or fraud. The student in this situation is not eligible for the automatic cap-gap extension of status or the 60-day grace period. Similarly, the 60-day grace period and automatic cap-gap extension of status would not apply to the case of a student whose petition was revoked based on a finding of a status violation, fraud or misrepresentation discovered following approval. In both of these instances, the student would be required to leave the United States immediately.

**Q7. May students travel outside the United States during a cap-gap extension period and return in F-1 status?**

A7. No. A student granted a cap-gap extension who elects to travel outside the United States during the cap-gap extension period, will not be able to return in F-1 status. The student will need to apply for an H-1B visa at a consular post abroad prior to returning. As the H-1B petition is for an October 1 start date, the student should be prepared to adjust his or her travel plans, accordingly.

**Q8. What if a student's post-completion OPT has expired and the student is in a valid grace period when an H-1B cap-subject petition is filed on their behalf? It appears that F-1 status would be extended, but would OPT also be extended?**

A8. No. F-1 students who have entered the 60-day grace period are not employment-authorized. If an H-1B cap-subject petition is filed on the behalf of a student who has entered the 60-day grace period, the student will receive the automatic cap-gap extension of his or her F-1 status, but will not become employment-authorized. Since the student was not employment-authorized at the time the H-1B petition was filed, there is no employment authorization to be extended.

**Q9. Do the limits on unemployment time apply to students with a cap-gap extension?**

*A9.* Yes. The 90-day, or 120-day for STEM OPT, limitation on unemployment during the post-completion OPT authorization continues during the cap-gap extension.

**Q10. What is a STEM OPT extension?**

*A10.* F-1 students who receive science, technology, engineering, and mathematics (STEM) degrees included on the STEM Designated Degree Program List, are employed by employers enrolled in E-Verify, and who have received an initial grant of post-completion OPT employment authorization related to such a degree, may apply for a 17-month extension of such authorization. F-1 students may obtain additional information about STEM OPT extensions on the Student and Exchange Visitor Program website at [www.ice.gov/sevis](http://www.ice.gov/sevis).

**Q11. May a student eligible for a cap-gap extension of post-completion OPT employment authorization and F-1 status apply for a STEM OPT extension while he or she is in the cap-gap extension period?**

*A11.* Yes. However, such application may not be made once the cap-gap extension period is terminated (e.g., if the H-1B petition is rejected, denied, or revoked), and the student has entered the 60-day departure preparation period.

**Q12. In recent years, employers have been able to file H-1B cap-subject petitions after April 1, and have not always requested an October 1 start date. However, some students' OPT end dates were nevertheless shortened to September 30, even though their H-1B employment would not begin until a later date. What should the student do to correct this?**

*A12.* The student should contact their DSO. The DSO may request a data fix in SEVIS by contacting the SEVIS helpdesk.

**Q13. If the student has an approved H-1B petition and change of status, but is laid off/terminated by the H-1B employer before the effective date, and the student has an unexpired EAD issued for post-completion OPT, can the student retrieve any unused OPT?**

*A13.* Yes. The student will remain in student status and can continue working OPT using the unexpired EAD until the H-1B change of status goes into effect. The student also needs to make sure that USCIS receives a withdrawal request from the petitioner before the H-1B change of status effective date. This will prevent the student from changing to H-1B status. Once the petition has been revoked, the student must provide their DSO with a copy of the USCIS acknowledgement of withdrawal (i.e., the notice of revocation). The DSO may then request a data fix in SEVIS, to prevent the student from being terminated in SEVIS on the H-1B effective date, by contacting the SEVIS helpdesk.

If USCIS does not receive the withdrawal request prior to the H-1B petition change of status effective date, then the student will need to stop working, file a Form I-539 to request F-1 reinstatement, and wait until the reinstatement request is approved, before resuming employment based on the unused OPT.

**Q14. If the student finds a new H-1B job, can he or she continue working with his/her approved EAD while the data fix in SEVIS is pending?**

*A14.* Yes, if the (former) H-1B employer timely withdrew the H-1B petition and the following conditions are true:

- the student finds employment appropriate to his or her OPT;
- the period of OPT is unexpired; and
- the DSO has requested a data fix in SEVIS.

Note: If the student had to file Form I-539 to request reinstatement to F-1 student status, the student may not work or attend classes until the reinstatement is approved.

Discretionary Release

**Q15. Can the student work past October 1 on their OPT (his or her EAD card will still show the original end date) if the request to change the end date is pending?**

*A15.* If the H-1B revocation occurs before October 1, the student may continue working while the data fix remains pending, because the student will still be in valid F-1 status.

If the H-1B revocation occurs on or after October 1, the student will need to stop working before October 1, apply for reinstatement, and wait until the reinstatement request is approved before resuming employment.

**Q16. Are students in valid F-1 status while the request to change the OPT end date is pending?**

*A16.* If the H-1B revocation occurs before the H-1B change of status effective date, the student is still deemed to be in F-1 status while the data fix is pending.

If the H-1B revocation occurs after the H-1B change of status effective date, the student will not be in valid F-1 status and will therefore either need to apply for reinstatement or depart the United States.

- USCIS -

## **USCIS Announcement Regarding Premium Processing for H-1B Cap-Subject Petitions**

The filing period for H-1B petitions subject to the fiscal year (FY) 2015 numerical cap begins on April 1, 2014. USCIS anticipates that it may receive more than 65,000 cap-subject H-1B petitions and more than 20,000 petitions filed on behalf of individuals with a U.S. master's degree or higher between April 1-7, 2014.

USCIS provides premium processing service for certain employment-based petitions and guarantees a 15-calendar-day processing time. Due to the historic premium processing receipt levels, combined with the possibility that the H-1B cap will be met in the first 5 business days of the filing season, USCIS has temporarily adjusted its current premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, and in accordance with 8 CFR 103.7(e)(3)(ii), USCIS is announcing that premium processing for cap-subject H-1B petitions, including H-1B petitions seeking an exemption from the fiscal year cap for individuals who have earned a U.S. master's degree or higher, will begin no later than April 28, 2014.

USCIS will continue to accept Form I-907, Request for Premium Processing Service, with fee, concurrently with the Form I-129, Petition for Nonimmigrant Worker, during the time period that premium processing is unavailable. Petitioners may also upgrade a pending H-1B cap petition to premium processing once a receipt notice is issued. All requests for premium processing for H-1B cap petitions will be adjudicated when premium processing begins no later than April 28, 2014.

While the Form I-797 receipt notice may indicate the date that the premium processing fee is received, the 15-day processing period set by 8 CFR 103.7(e)(2) will not begin any earlier than April 28, 2014. The 15-day processing period for premium processing service for H-1B petitions that are not subject to the cap, or for any other eligible classification, continues to begin on the date that the request is received.

## USCIS Reaches FY 2015 H-1B Cap

Release Date: [date]

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of H-1B petitions to reach the statutory cap of 65,000 for fiscal year (FY) 2015. USCIS has also received more than 20,000 H-1B petitions filed on behalf of persons exempt from the cap under the advanced degree exemption.

USCIS received approximately [number] H-1B petitions during the filing period, including petitions filed for the advanced degree exemption. On [RNG date], USCIS used a computer-generated random selection process (commonly known as a “lottery”) to select a sufficient number of petitions needed to meet the 65,000-general category cap, and 20,000 under the advanced degree exemption limit. For cap-subject petitions not randomly selected, USCIS will reject and return the petition with filing fees, unless it is found to be a duplicate filing.

The agency conducted the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected were part of the random selection process for the 65,000 limit.

As announced on [date], 2014, USCIS has temporarily adjusted its premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, USCIS will begin premium processing for H-1B cap cases no later than April 28, 2014. For more information on premium processing for FY 2015 cap-subject petitions, please see the related USCIS Alert.

USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Petitions filed on behalf of current H-1B workers who have been counted previously against the cap will not be counted towards the congressionally-mandated FY 2015 H-1B cap. Accordingly, USCIS will continue to accept and process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the U.S.;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or practical application of a body of a highly specialized knowledge including, but not limited to: scientists, engineers, or computer programmers.

For more information on USCIS and its programs, please visit [www.uscis.gov](http://www.uscis.gov) or follow us on Twitter (@uscis), YouTube (/uscis) and the USCIS blog *The Beacon*



U.S. Citizenship  
and Immigration  
Services

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# USCIS Update



## USCIS Reaches FY2015 H-1B Cap

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2015. USCIS has also received more than 20,000 H-1B petitions filed on behalf of persons exempt from the cap under the U. S. advanced degree exemption.

Before running the random selection process, USCIS will complete initial data entry for all filings received during the filing period ending on April 7, 2014. Due to the high number of petitions, USCIS is not yet able to announce the precise day on which it will conduct the random selection process.

USCIS will carry out the computer-generated random selection process for all cap-subject petitions received. USCIS will select the number of petitions needed to meet the caps of 65,000 for the general category and 20,000 under the advanced degree exemption limit. USCIS will reject, and return filing fees for all cap-subject petitions which are not randomly selected, unless found to be a duplicate filing.

The agency will conduct the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected will be part of the random selection process for the 65,000 limit.

USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Pursuant to the Immigrant and Nationality Act, petitions filed on behalf of current H-1B workers who have been counted previously against the cap will not be counted towards the congressionally-mandated FY 2015 H-1B cap. Accordingly, USCIS will continue to accept and process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the U.S.;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or practical application of a body of a highly specialized knowledge including, but not limited to: scientists, engineers, or computer programmers.

For more information on USCIS and its programs, please visit [www.uscis.gov](http://www.uscis.gov) or follow us on Twitter ([@uscis](https://twitter.com/uscis)), YouTube ([uscis](https://www.youtube.com/user/uscis)) and the USCIS blog *The Beacon*.



**U.S. Citizenship  
and Immigration  
Services**

*Office of Communications*

# USCIS Update



[date]

## **USCIS to Accept H-1B Petitions for Fiscal Year 2015 Beginning April 1, 2014** *Petitioners are Reminded to Follow Regulatory Requirements*

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) announced today that it will begin accepting H-1B petitions subject to the Fiscal Year (FY) 2015 cap on April 1, 2014. Cases will be considered accepted on the date that USCIS takes possession of a properly filed petition with the correct fee. USCIS will not rely upon the date that the petition is postmarked.

The Congressionally-mandated cap of H-1B petitions for FY 2015 is 65,000. The first 20,000 H-1B petitions filed on behalf of individuals with U.S. master's degree or higher are exempt from the 65,000 cap.

Based on feedback from a number of stakeholders, USCIS anticipates that it may receive more petitions than the H-1B cap during the first five business days of this year's program. USCIS will monitor the number of petitions received and notify the public of the date on which the numerical limit of the H-1B cap has been met, as the final receipt date. If an excess of petitions is received, USCIS will use a lottery system to randomly select the number of petitions required to reach the numerical limit. USCIS will reject petitions that are subject to the cap and are not selected, as well as petitions received after it has the necessary number of petitions needed to meet the cap. USCIS used the lottery for the FY2014 program last April.

In addition, H-1B cap cases can continue to request premium processing concurrently. Due to the historic premium processing receipt levels, combined with the possibility that the H-1B cap will be met in the first 5 business days of the filing season, USCIS has temporarily adjusted its current premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, USCIS will begin premium processing for H-1B cap cases no later than April 28, 2014. For more information on premium processing for FY 2015 cap-subject petitions, please see the USCIS Alert.

H-1B petitioners should follow all statutory and regulatory requirements as they prepare petitions, in order to avoid delays in processing and possible requests for evidence. USCIS has developed detailed information, including an optional checklist to assist in the completion and submission of a FY 2015 H-1B petition. The processing worksheet is available on the USCIS website, [www.uscis.gov](http://www.uscis.gov).

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or practical application of a body of highly specialized knowledge, including, but not limited to: scientists, engineers, or computer programmers.

For more information on the H-1B nonimmigrant visa program and current Form I-129 processing times, visit the H-1B FY 2015 Cap Season Web page or call the National Customer Service Center at (800) 375-5283.

- USCIS -

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U.S. Citizenship  
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## USCIS Update

[DATE]

### USCIS Continues to Accept FY 2015 H-1B Petitions

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) today announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2015 cap. The agency began accepting these petitions on April 1, 2014.

USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. master's degree or higher cap exemption.

USCIS has received approximately (XXXXX) H-1B petitions counting toward the 65,000 cap, and approximately (XXXXX) petitions toward the 20,000 cap exemption for individuals with advanced degrees.

**Comment [LA1]:** To be inserted prior to release of the update.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or practical application of a body of highly specialized knowledge. Such workers include, but are not limited to, scientists, engineers, and computer programmers, among others.

USCIS will provide regular updates on the processing of FY 2015 H-1B petitions. These updates and helpful filing information can be found at USCIS's [website](#) highlighting the H-1B program. Should USCIS receive the number of petitions needed to meet the cap, it will issue an update advising the public that the FY 2015 H-1B cap has been met and notify the public of the "final receipt date." The date USCIS informs the public that the cap has been reached may differ from the actual final receipt date.

If necessary, USCIS may randomly select the number of petitions received on the final receipt date that will be considered for final inclusion within the cap. The agency will reject petitions subject to the cap that are not selected, as well as those received after the final receipt date. Whether a petition is received by the final receipt date will be based on the date USCIS physically receives the properly filed petition, not the date that the petition was postmarked.

Cases for premium processing (faster processing of certain employment-based petitions and applications) of H-1B petitions filed during an initial five-day filing window are undergoing a 15-day processing period that began April [insert date]. For all other H-1B petitions filed for premium processing, the processing period begins on the date that the properly filed petition is physically received at the correct USCIS Service Center.

Meanwhile, petitions filed by employers who are exempt from the cap, as well as petitions filed on behalf of current H-1B workers who have been counted previously against the cap within the past six years, will not count toward the cap.

For more information on USCIS and its programs, visit [www.uscis.gov](http://www.uscis.gov).



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**U.S. Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services (USCIS)  
Service Center Operations Support Services (SCOSS)**

# **CSC FY 2015 H-1B CAP**

## **Plan of Action**

**January 31, 2014**

### **Prepared For:**

Department of Homeland Security (DHS)  
U.S. Citizenship & Immigration Services (USCIS)  
20 Massachusetts Avenue  
Washington, DC 20001

### **Prepared by:**

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## 1. INTRODUCTION

The FY 2015 H-1B CAP Plan provides an overview of the project, a list of deliverables, and the resources required for use throughout the Life Cycle of the project. Commencing April 1, 2014 and continuing through March 31, 2015, Longview - FedConsulting JV (LVFCJV) will receive and process all new I-129 H-1B CAP petitions including cases falling under the H-1B CAP exemption for foreign nationals holding advanced degrees from U.S. universities.

Currently, USCIS will accept and process the first 65,000 I-129 H-1B CAP petitions received at both the Vermont and California Service Centers. If the two centers receive more than 65,000 petitions combined, within the first five business days, then a Random Number Generator (RNG) program will be used to select the first 65,000 petitions. Both standard and advanced degree H-1B cases with employment start dates in FY 2015 (beginning October 1, 2014) may be filed up to six months before the date that the prospective employee is to begin work. For example, where employment is to begin on October 1, 2014, an H-1B petition may be filed as early as April 1, 2014. All normal receipts and processing of 'Non-Cap' incoming mail is considered out of the scope of this project, as it is considered part of 'normal everyday duties'. However, CAP resource allocations are typically made at the expense of staff normally assigned to daily processing and, as a result, affect our ability to maintain time compliance in all areas.

Standard H-1B cases filed beginning April 1, 2014 will count against the overall FY 2015 H-1B CAP, however, the standard H-1B CAP is reduced by the U.S.-Chile and U.S.-Singapore Free Trade Agreements (FTAs), which set aside a certain amount of H-1B numbers for professionals from those two countries each fiscal year. In practical terms, only just a certain amount for H-1B will be available in the standard H-1B pool for FY 2015, though some unused FTA Visas from FY 2014 may be recaptured and later made available for FY 2015 employment. Advanced-degree cases will count against the additional H-1B numbers made available pursuant to the provisions of the H-1B Visa Reform Act.

## 2. GOALS

To develop a Plan of Action (POA) that will allow the CSC SCOSS team to continue to process normal delivery of USCIS applications in addition to H-1B CAP with minimal disruption of Performance Work Standards (PWS).

The following are the preliminary goals of this project:

- To develop a POA that will allow the CSC SCOSS team to process the FY 2015 H-1B CAP in the most efficient and effective manner.
- To conduct same day presort/storage of all H-1B CAP cases.
- To be ready to implement Lottery Pulls and keying of the Premium Processing CAP cases as soon as the afternoon of April 8, 2014.
- To provide accurate numbers and feedback to USCIS in a timely manner.

## 3. ASSUMPTIONS

The following are assumptions that are being used to generate our current plans:



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[Redacted]

- The HTB CAP will be met by the end of the five day CAP window of April 1, 2014 through April 7, 2014 and a Lottery will be required.

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[Redacted]

- Non-CAP premium filings will be prioritized to keep the oldest date current.

▶ **Mailroom**

- A late run will be added to the USPS mail run schedule on April 7, 2014 to ensure that all CAP mail is picked up prior to USPS closing.

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[Redacted]

- CAP cases will be sorted into four categories:
  - CRN – CAP Regular Non-Premium
  - CRP – CAP Regular Premium
  - CMN – CAP Master Non-Premium
  - CMP – CAP Master Premium
- The CAP sort criteria above will be utilized for training purposes.

▶ **Lottery**

- It is assumed that the FY 2015 CAP will require a Lottery. All filings received during the CAP Lottery Window of April 1, 2014 through April 7, 2014 will need to be prepared for Lottery selection by April 8, 2014.
- On Tuesday, April 8, 2014, the CAP NFTS RPC ranges will be provided for USCIS review and routing to HQ for RNG list generation.
- USCIS will do a duplicate search between the two centers after all filings are keyed and rejects are in the CRIS database.
- A Random Number Generator (RNG) pull list will be provided by USCIS on Tuesday, April 8, 2014. These filings will be pulled and staged for keying the next day.
- We will report all cases as pending in Data Entry until we have keyed the selected files and are instructed to reject the non-selects.
- USCIS will run an algorithm for each type category based on the number of "winner" rejects taken from each center's test lot. USCIS will add this number to each category to pull as lottery winners.
- Non-selected lottery participants will be rejected and do not require ROP assembly.



► Data Entry

- A search will be conducted for any overlooked Premium Petitions beginning on April 9, 2014 and will be completed no later than two days prior to the end of the 15-day Premium Processing period.
- Based upon the 67,500 CAP forecast with a 25-30% premium percentage [redacted] are expected to be Premium Processing CAP cases.
- Data Entry (b)(4)
  - CAP Premium Petitions will be data entered once CPAU has given us approval to begin, which is anticipated to be April 9, 2014 at a planned rate of [redacted] cases per day.
  - The "received date" to be entered into Claims will be the date announced by CPAU. The actual "mail" received date will be stamped on the envelope and petition.
  - Data Entry will key three letter designators, "MAS" for Masters Qualified Visas and "REG" for the Regular Qualified Visas, in the Part 2, data field one "requested nonimmigrant classification" instead of what is written on the petition.
  - Starting on April 9, 2014 and until all premium cases are completed we will not run screen prints for regular I-129 Premium Processing or CAP Premium Processing cases so they can get to adjudications as quickly as possible.

► Rejects

- Any CAP cases received before April 1, 2014, will be rejected the day they are received to give the applicant time to resubmit within the CAP lottery window.
- CAP filings that are determined unacceptable will be processed as a rejected case. Rejects will be held for the duplicate comparison completed after the CAP winner keying phase.
- Petitions filed at CSC by beneficiaries from Chile or Singapore will be forwarded to VSC for processing, not rejected.
- Updated CAP Reject Letters will be provided by CPAU to include with the filings that are determined unacceptable, to address filings that were not selected for this year's CAP and for late filings.
- If there is a lottery, not selected cases will be held until keying is complete and instruction to reject has been provided by USCIS.
- If there is not a lottery, rejects will be processed on the day they are received.
- All CAP rejects will be manually rejected.
- For reporting purposes, filings that were included as a CAP case but then were later determined to be a non-CAP I-129 will be counted (not processed) as a CAP Reject. Re-categorized cases (premium to non-premium or master to regular, etc.) will not be counted as a CAP Reject.

► Fee Deposit

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- A contingency plan specific to reverting to manual deposit procedures will be built and ready for implementation by April 1, 2014.



(b)(4)

▶ **Contract & Billing**

- "Out of Scope" tasks, listed in the CAP CLIN Creation section of the plan, and PR waiver requests are similar to last year and are listed in Sections 8 and 9. These lists have been submitted to USCIS for approval.

[Redacted]

4. **FACILITIES**

- ▶ Presort Room – This room is located on the second floor at the CSC, which will be used for FY 2015 CAP. All CAP packages will go through scanning and envelope review for suspicious material. Once the package is deemed safe, it will be transferred to the NARA room for further processing.

- ▶ Security Guards – From April 1, 2014 through April 5, 2014.

[Redacted]

- ▶ NARA room – This room is located on the first floor at the CSC. The area provided is adequate for the set up and sorting of CAP cases prior to being routed to the contractor area on the second floor for further processing. Heating and lighting for the room will be needed from 5:30 AM to 11:30 PM from March 24, 2014 through May 31, 2014.

- ▶ First Floor Loading Dock – The large loading dock on the first floor will be the primary delivery point for mail couriers to deliver mail.

[Redacted]

- ▶ Maintenance Service – A request was placed for large mobile dumpsters and a maintenance rotation for the NARA room.

5. **EQUIPMENT & SUPPLIES**

[Redacted]

The following is a list of equipment and supplies that will be used during CAP:

(b)(4)

SUPPLIES & EQUIPMENT REQUESTED FROM USCIS		
ITEM	QUANTITY	COMMENTS
Acco Fastener - Acco Fastener w/ Compressors 2"	1 Pallet	
Acco Fastener - Acco Fastener w/ Compressors 2-3/4" x 4"	1 Case	
Bar Code - Bar Code Labels	1 Pallet	
Bar Code - Bar Code Ribbons	1/2 Pallet	
Batteries - Coin Cell Lithium Batteries (Electronic Date/Time Stamper)	30 ct.	
Batteries - AA Batteries (Electronic Date/Time Stamper 4 each)	200 ct.	
Box - Packing Box (Brown) 15 x 12 x 10	9 Pallets	4,500 units
Chairs	200	
Copy Paper - 5 COLORS - Yellow, Pink, Green, Blue & Lavender	2 Reams	
Copy Paper - Goldenrod	1 Case	
Copy Paper - Orchid	15 Cases	
Copy Paper - White	1 Pallet	
Date/Time stamper, manual, Dynamo	50	
Envelope - Kraft Envelope - 10 x 15	10 Cases	
Envelope - Kraft Envelope - 12 x 16	1 Case	
Envelope - Kraft Envelope - 9-1/2 x 12	6 Cases	
Envelope - White Envelopes (no window)	5 Cases	
File Folders - Blue (MASTERS CAP)	24 cases	12,000 folders (120 boxes)
File Folders - Brown	4 cases	2,000 folders (20 boxes)
File Folders - Burgundy (PREMIUM CAP)	24 cases	12,000 folders (120 boxes)
File Folders - Green (REG CAP)	87 cases	43,500 folders (435 boxes)
File Folders - Yellow (PP MASTERS CAP)	16 cases	8,000 folders (80 boxes)
Gloves - Latex Gloves (LG)	1 Box	
Gloves - Latex Gloves (M)	1 Box	
Ink, refill for self-inking Black	20	1 per distributor
Knife, Craftsman	20	1 per distributor
Letter Opener	80	
Ribbon - Slip Printer Ribbon Ink	150 ct.	
Ribbon - Time Date Stamp Ink	100 ct.	
Pallet Jack	2	
Pallet Shrink Wrap	1 Box	4 ct.
Pallets	100 units	
Pen, Ball Point, Med, Black 12/BX	30 Boxes	
Rubber Band, Oversized 7" x 16" x 1/8"	100 Boxes	
Rubber Band, size 33, 1/8" x 3-1/2"	100 Boxes	
Staple Removers	120	
Staplers - Desk Staplers	100	
Staples, standard	60	



SUPPLIES & EQUIPMENT REQUESTED FROM USCIS		
ITEM	QUANTITY	COMMENTS
Table - 8' x 2'	16	
Table - 8' x 3'	52	
Tape Gummed 3" wide	5 boxes	50 rolls
Tape - Medium Desk Tape Dispenser	40	
Tape - Pressure 3/4" (scotch regular)	120 ct.	
2 Hole Punchers	60 ct.	

6. STAFFING DETAILS

Total contracting personnel on April 1, 2014 will be approximately

[Redacted]

(b)(4)

[Redacted]
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The table below is an assumption of how many FTEs will be assigned towards CAP.

Date	Total Needed	Mail/Lottery	File Set-Up	Data Entry	Deposit
[Redacted]					



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LongView-FedConsulting JV

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

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The anticipated resources are detailed below showing how many are needed for each step in the process over the initial CAP period.

A large rectangular area that has been completely redacted with a solid black box, obscuring the resource details mentioned in the text above.



Bringing Solutions Through People and Processes

# LongView-FedConsulting JV

(b)(4)

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

▶ Overtime

## 7. TRAINING

We anticipate beginning training on the

Process	Date Range	# of Clerks	Training Hours		Description
			Time	Total	

(b)(4)



(b)(4)

Process	Date Range	# of Clerks	Training Hours		Description
			Time	Total	
(b)(4)					

8. PERFORMANCE REQUIREMENTS RELIEF

(b)(4)

► General Requirements

PR	Requirement	PR Granted Until
4.1.12	The Contractor shall maintain the capability to accommodate spikes in workload volumes that occur from time to time and that are predicted at least 45 calendar days in advance of the anticipated sudden increase in workload volumes. These spikes may be attributable to the beginning of an application period, anticipated changes in fees to be charged, or other phenomena.	04/30/14*
4.1.13	The Contractor shall maintain the capability to accommodate surges in data collection volume of up to 25% above the daily average received for the previous twenty business days. In the event the data collection volume exceeds 125% of the rolling daily average for the previous twenty business days, the Contractor is only held responsible for meeting the timeliness performance requirements for 125% of the rolling daily average; the balance may be processed on the next business day and may be considered – for the purposes of surge management only – as part of the data collection for the next day. If the surge extends beyond one day, then the Contractor shall continue to perform under the same rule for as long as the surge lasts, recalculating the rolling daily average data collection volume and the 125% volume each day based on the previous twenty business days.	04/30/14*
4.1.14	On Mondays and the first business day after federal holidays, the Contractor shall maintain the capability to accommodate surges in data collection of up to 50% above the daily average received volume for the previous twenty business days. In the event the data collection volume exceeds 150% of the rolling daily average for the previous twenty business days, the Contractor is only held responsible for meeting the timeliness performance requirements for 150% of the rolling daily average; the balance may be processed on the next business day and may be considered – for the purposes of surge management only – as part of the data collection for the next day.	04/30/14*



► Mail Room Operations

(b)(4)

[Redacted]

PR	Requirement	PR Granted Until
4.2.5	All mail (excluding certain exceptions) shall be opened, sorted, date stamped, properly handled, and timely processed and routed by the Contractor, in the assigned mail area.	04/30/14*
4.2.8	Outgoing Mail is metered by the daily scheduled time for the presort contractor	04/30/14*

► Data Entry Operations

(b)(4)

[Redacted]

PR	Requirement	PR Granted Until
4.3.2	The Contractor shall review applications/petitions and supporting documents for completeness, jurisdiction, signature, and correct fee, and process those compliant and non-compliant applications/petitions.	04/30/14*
4.3.3	The Contractor shall collect information from forms and source documents and accurately input data into various formatted screens within established processing timeframes. Accuracy is defined as no data entry errors on the entire form or document.	04/30/14*
4.3.5	The Contractor shall generate and interfile screen prints as required.	04/30/14*
4.3.6	The Contractor shall accurately scan materials and, as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for document production.	04/30/14*
4.3.7	The Contractor shall scan, process, and verify fingerprint cards (FD-258) for submission to the FBI.	04/30/14*
4.3.8	The Contractor shall create files during data collection.	04/30/14*
4.3.9	The Contractor shall accurately process manually rejected applications and petitions within established timeframes.	04/30/14*
4.4.1	The Contractor shall review receipted fees for acceptability and ensure the fee is endorsed in accordance with the Treasury Financial Manual	04/30/14*
4.4.2	The daily deposit is completed prior to the depository pick up time.	04/30/14*
4.4.3	The contractor shall submit a report showing individual clerk and individual system deposit totals to USCIS on a daily basis or as required.	04/30/14*

► File Room Operations

The File Room will assist with Mail Operations, as well as man the gunner (Dolphin) teams, and the storing of CAP files. Lottery and duplicate pulls, sorting, staging, reporting, and box/pallet maintenance will be completed by the File Room team.

It is anticipated that all File Room functions will be affected by CAP.

(b)(4)

[Redacted]



(b)(4)



PR	Requirement	PR Granted Until
4.5.1	The Contractor shall create files when requested during file operations.	04/30/14*
4.5.2	The Contractor shall accurately request required files from external sources such as other centers, district offices, the NRC, etc. within established timeframes.	04/30/14*
4.5.3	The Contractor shall fulfill internal (within the service center) and external (originating from other centers, district offices, the NRC, etc.) file requests for information by identifying, locating, retrieving and delivering the correct file(s) within the established timeframes.	04/30/14*
4.5.5	The Contractor shall file and re-file records.	04/30/14*
4.5.6	The Contractor shall track and update files in NFTS upon movement or as requested by USCIS. The Contractor shall accurately update data in various USCIS systems (C3, C4, etc.).	04/30/14*
4.5.8	The Contractor shall accurately consolidate files physically and electronically within established timeframes.	04/30/14*
4.5.9	The Contractor maintains a tracking progress for files held in temporary holding areas. The Contractor moves files maintained in the temporary holding areas to the next stage of the process, when required.	04/30/14*
4.5.10	The Contractor shall accurately interfile, connect, and route correspondence or RFE with corresponding file(s) and update systems within established timeframes.	04/30/14*
4.5.14	The Contractor shall perform system queries and searches in USCIS systems, and places a screen print(s) of the search result(s) in the file, when required.	04/30/14*
4.5.15	The Contractor shall accurately scan materials and, as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for document production.	04/30/14*
4.5.16	The Contractor shall correctly assemble E-filed applications and petitions into files. (No waiver for I-907 Upgrade)	04/30/14*
4.5.18	The Contractor shall pick up, continuously sort, and deliver for internal distribution printouts and files between mail stops within the service center as established by the COTR. The Contractor picks up mail, printouts, and files no less than twice daily as scheduled by the COTR.	04/30/14*
4.5.19	The Contractor shall photocopy application and petition-related documents when required.	04/30/14*
4.5.21	The Contractor shall accurately create I-512 documents within established timeframes.	04/30/14*
4.5.22	The Contractor shall process documents received from district, port of entry, or consulate offices.	04/30/14*

9. CAP CLIN's (b)(4)

The following lines are currently available in  and will be used for FY 2015 CAP:

Task Name	Description
CAP Sort	Initial Sort & routing packages to a presort staging area based on the CAP petition designations on the packages. Sorting of CAP cases into drop off points for folder and boxing after presort is complete. Distributor sorting of mail for CIS Review, CAP sort and Regular work drop offs. These sorts are not performed for normal daily petition processing.
CAP Courier	Transportation of mail or files beyond the two USPS trips that are potentially or specifically CAP related.



(b)(4)

Task Name	Description
CAP Box Prep	Box preparation for files created for the CAP. These will be used for the scanner team to locate lottery winners and for ease of maintaining files & counts.
CAP Dock Team	Loading of bags of mail into cages or on pallets for transportation to the scanners. Loading of these packages into the scanner and then removal from the scanner. These bags/boxes will be re-loaded into cages or pallets and staged for transport to the 1st sort team.
CAP File Audit	Dolphin Team - Placing petitions in boxes, then into rows or on pallets or into cages
CAP File Labeling	Labeling of the file folders with the lottery labels for the RNG.
CAP Folder and Box	Verification of the CAP category, placing of cases into folder and then a box.
CAP Matrix Review	Review of the I-129 to determine whether it is a CAP case and if so, what category it falls into.
CAP Premium Review	Searching through non-selected cases for possible premium filings that we may have identified as regular prior to day 15. This will result in SCOSS having to review and touch all the filings again to identify and pull out premium cases that may have been missed.
CAP Refile	Dolphin Team - Tracking the barcode numbers. After sort has been completed refilers scan the file number of all files in the box and charge it to the box.
CAP Runner	Clerk who will go between the NARA room and Dolphin upload station near CSD (regular contracting area). Required due to no IT capability in NARA room.
CAP Searches	File searches will be conducted by members of the Pick team as requested as needed to complete the project. Also used by the refile team and the audit team to run separate reports after their processes are complete. The reports are then compared and if there are any discrepancies the box is reconciled.
CAP Training	Training of clerks on processes associated with CAP operations
CAP Verification	After the CAP 5 day window expires, identification of CAP cases, CAP Lottery number assignment and folder connection/staging will continue if requested and reporting on this line.
CAP Reporting	Review and generation of CAP related reports.
CAP Prep Work	CAP room setup, modification, and maintenance; may include other CAP specific activity requested by USCIS that is not already assigned a task line.
CAP File Acceptability	This task is to be used to charge time spent assessing the acceptability of a CAP file to ensure that it is as ready as possible for keying.

10. TASKS

The following are the tasks that will be performed during CAP.

- Box Creation/Prep



CAP work that has already been screened for suspicious material, will be received on the first floor for further processing. Below is the process flow for the second stage of CAP on the first floor:

- Courier teams will unload the cages from the truck and deliver them to the NARA room.
- CAP Presort teams will complete the content review and annotation of each CAP package.
- Distributors will move work to designated drop off points based on annotations on each CAP package. The drop off points are:
  - CAP Sort – four sorts within this area for the four CAP categories.
  - CIS Review.
  - Regular Work.
- CAP Folder and Box teams will verify each package based on the annotation on each package prior to placing the appropriate CAP folder over the package. CAP Folder will then be placed in the appropriate box and pallet.
- Dolphin Team will then perform a physical and electronic count of CAP files within each box.
- The Lottery team will complete the pulling of files based on the RNG list provided by USCIS and stage them for Data Entry keying.
- Data Entry will request CAP Premium Processing Master's cases first when they begin keying.

## 11. CAP PHASES

The following are each phase of our CAP plan with a lottery:

- ▶ Initial Planning (January 2, 2014 to February 15, 2014)
- ▶ Preparation (February 19, 2014 to March 29, 2014)
- ▶ Execution (April 1, 2014 to April 30, 2014):
  - April 1, 2014 to April 7, 2014:
    - Slit-n-peek, bar-coding, boxing process completed for first five days of CAP receipts
    - Evaluate decision to preassemble and evaluate Premium Applications, if possible, to minimize delay due to PP clock
  - April 5, 2014
    - Assembly of premium CAP cases
  - April 8, 2014 (through April 10, 2014)
    - Receive the Lottery RNG list and complete the pulling and staging of files
    - Begin keying of CAP Premium filings
  - April 9, 2014 to April 16, 2014
    - Process all premium CAP "winner" filings received during the lottery window
    - Daily keying of all non-CAP premium and H2A or H2B cases received.
    - Complete premium file review on all non-premium CAP filings
  - April 17, 2014 to April 30, 2014:
    - Process all non – premium CAP "winner" filings received during the lottery window
    - Daily keying of all non-CAP premium and H2A or H2B cases receive priority.
    - Begin keying of non-CAP I-129s and other form types in order.
  - Post April 30, 2014:
    - If directed, pull additional CAP cases that were previously not selected for processing. (this may be done if the overall "winner" reject quantity is over 3,000 units)
    - Once directed, begin processing of CAP rejects.
    - Complete mailroom metering for all CAP rejects.



- Continue to eliminate all operational backlogs.
- Backlogs back in compliance by no later than May 31, 2014

The following are each phase of our CAP plan without a lottery:

- ▶ Initial Planning (January 2, 2014 to February 15, 2014)
- ▶ Preparation (February 19, 2014 to March 29, 2014)
- ▶ Execution (April 1, 2014 to April 30, 2014):
  - April 1, 2014 to April 7, 2014:
    - Slit-n-peek, bar-coding, boxing process completed for first five days of CAP receipts
    - Evaluate decision to preassemble and evaluate Premium Applications, if possible, to minimize delay due to PP clock
  - April 5, 2014
    - Assembly of premium CAP cases
  - April 8, 2014 to April 16, 2014
    - Process all premium CAP filings beginning with oldest date
    - Daily keying of all non-CAP premium and H2A or H2B cases received.
    - Rejects will be completed daily as identified.
    - Complete premium file review on all non-premium CAP filings
    - Review all incoming I-129s for CAP cases; identify and stage all CAP cases by date and category.
  - April 17, 2014 to April 30, 2014:
    - Process all non - premium CAP filings beginning with the oldest date.
    - Daily keying of premium CAP filings.
    - Daily keying of all non-CAP premium and H2A or H2B cases received.
    - Begin keying of non-CAP I-129s and other form types in prioritization order.
    - Rejects will be completed daily as identified.
    - Continue to eliminate all operational backlogs.
  - Backlogs back in compliance by no later than May 31, 2014



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**U.S. Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services (USCIS)  
Service Center Operations Support Services (SCOSS)**

# **VSC FY 2015 H-1B CAP**

## **Plan of Action**

**January 31, 2014**

### **Prepared For:**

Department of Homeland Security (DHS)  
U.S. Citizenship & Immigration Services (USCIS)  
20 Massachusetts Avenue  
Washington DC 20001

### **Prepared by:**

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## 1. INTRODUCTION

The FY 2015 H-1B CAP Plan provides an overview of the project, a list of deliverables, assumptions and resources required and used throughout the Life Cycle of the project. Commencing April 1, 2014 and continuing through March 31, 2015, the LongView-FedConsulting Joint Venture (LVFCJV) will receive and process all new I-129 H-1B CAP petitions including cases falling under the H-1B CAP exemption for foreign nationals holding advanced degrees from U.S. universities.

Currently, USCIS will accept and process the first 65,000 I-129 H-1B CAP petitions received at both the Vermont and California Service Centers. If the two centers receive more than 65,000 petitions combined, within the first five business days, then a Random Number Generator (RNG) program will be used to select the first 65,000 petitions.

I-129 H-1B cases, with employment start dates in FY 2015 (beginning October 1, 2014), may be filed up to six months before the date that the prospective employee is to begin work. For example, where employment is to begin on October 1, 2014, an H-1B petition may be filed as early as April 1, 2014. All normal receipts and processing of 'Non-CAP' incoming mail is considered out of the scope of this project, as it is considered part of 'normal everyday duties'. However, CAP resource allocations are typically made at the expense of staff normally assigned to daily processing and, as a result, affect our ability to maintain time compliance in all areas.

In addition, the cases may be submitted with a Premium processing request. The additional fee and submission of the form I-907 will guarantee an expeditious adjudicative review and decision. Typically, during CAP, adjudications must be completed within 15 days of the RNG results.

Standard H-1B cases filed beginning April 1, 2014 will count against the overall FY 2015 H-1B CAP. However, the standard H-1B CAP is reduced by the U.S.-Chile and U.S.-Singapore Free Trade Agreements (FTAs), which set aside a certain amount of H-1B numbers for professionals from those two countries each fiscal year. In practical terms, only just a certain amount for H-1B will be available in the standard H-1B pool for FY 2015, though some unused FTA visas from FY 2014 may be recaptured and later made available for FY 2015 employment. Advanced-degree cases will count against the additional H-1B numbers made available pursuant to the provisions of the H-1B Visa Reform Act.

## 2. GOALS

To develop a Plan of Action (POA) that will allow the VSC SCOSS team to continue processing normal delivery of USCIS applications in addition to H-1B CAP with minimal disruption of Performance Work Standards (PWS).

The following are the preliminary goals of this project:

- To develop a POA that will allow the VSC SCOSS team to process the FY 2015 H-1B CAP in the most efficient and effective manner.
- To prepare all CAP cases received April 1<sup>st</sup> thru April 7<sup>th</sup> for lottery.



- Be prepared to implement lottery pulls and commence keying Premium CAP cases as soon as second shift on April 9<sup>th</sup>, 2014.
- To provide accurate numbers and feedback to USCIS in a timely manner.
- To complete all CAP processing by June 13, 2014

### 3. ASSUMPTIONS

The following sections detail assumptions and recommendations for all aspects of CAP workflow.

#### ▶ Processing Timeline

- Mail will be received and processed at both the Lemnah 4 and Tabor buildings at the Vermont Service Center. (April 1, 2014 - April 7, 2014).
- Petitions will be reviewed to determine if they are CAP eligible petitions. (April 1, 2014 - April 7, 2014).
- As in previous years, CAP cases will be sorted into four categories and assigned a number: (April 1, 2014 - April 7, 2014).
  - VRN Prefix - Regular Non-Premium
  - VRP Prefix - Regular Premium
  - VMN Prefix - Master Non-Premium
  - VMP Prefix - Master Premium
- Due to the anticipated volumes, the maximum number of CAP petitions will be received by close of business on the fifth day (April 7, 2014).
- After initial processing, petitions will be randomly selected, by USCIS. (April 9, 2014)
- Selected petitions will be pulled, reviewed for Acceptability, Setup, and Delivered to Data Entry (April 9, 2014 - April 29, 2014).
- Selected petitions will be Data Entered and delivered to Adjudications
  - Premium petitions will be keyed first (April 9, 2014 through April 15, 2014)
  - Non Premium petitions will be keyed after the Premium petitions are completed. (April 15, 2014 through April 30, 2014)
- Non-selected CAP petitions will be rejected and held for USCIS review. (April 30, 2014 - May 23, 2014)
- USCIS will compare data between the two Centers to determine if duplicate petitions were received / processed. (May 27, 2014 - May 28, 2014)
- Rejected petitions will be mailed once the duplicate review has been completed. (May 29, 2014 - June 13, 2014)
- Duplicate Petitions may get Data Entered

#### ▶ Cap Mail

- CAP volumes for VSC are estimated to be 82,500 in the first week from April 1, 2014 through April 7, 2014. We anticipate that 15,500 to 18,000 will be identified as Premium CAP cases.
- Adequate guard support will be provided to scan all incoming mail at all facilities receiving mail.



- USCIS will arrange for outside couriers (i.e. FedEx, UPS) to sort and deliver mail earlier than their normal schedules.
- FedEx Deliveries:
  - "30 Houghton" addressed mail will be delivered to the Tabor Building.
  - "75 Lower Welden", "1A Lemnah" and "Lemnah 4" addressed mail will be delivered to the Lemnah 4 building.
- UPS Deliveries:
  - "Lemnah 4" addressed mail will be delivered to the Lemnah 4 building.
  - All other addresses will be delivered to the Tabor building.
- All Other Courier Deliveries:
  - All Deliveries will be made to the Tabor building
- USPS Mail:
  - Will be picked up by SCOSS daily.
  - On April 5, 2014 a special mail pickup will be performed and all CAP mail will be sorted and processed.
    - Scanning support will need to be provided by USCIS.
  - On April 7, 2014 a special mail pickup will be performed prior to USPS closing and all CAP mail will be sorted and processed.
- Each "Franked" package received will be counted as "one" piece of mail received, even if it contains multiple petitions or envelopes and will be recorded under the Mail Room CLIN.
- Federal Protective Services will provide scanning support at the Lemnah 4 building utilizing their Canine unit.
- Preparations to use "Cages", to hold petitions at the Lemnah 4 Facility, will be made prior to April 1<sup>st</sup>.
- Recommendation: General public instructed to indicate the number of I-129 CAP petitions enclosed in each package to help facilitate counting of mail left to be processed.
- All mail received at Lemnah 4 will be reviewed and sorted accordingly by "Attn:" line
  - CAP Premium Mail will be routed to Tabor "Marble Room".
  - CAP Non-Premium will be stored at Lemnah 4.
  - Non-CAP mail will be routed to Tabor Incoming Mailroom.
  - Non-CAP mail, which has been opened, will be routed to Tabor Data Entry.
- One additional truck will be acquired to assist in moving material between CAP locations.

▶ **Lottery**

- All filings received during the CAP Lottery Window of April 1, 2014 through April 5, 2014 will need to be prepared for Lottery selection by close of business on April 7, 2014.
- A Random Number Generator (RNG) pull list will be provided by USCIS on April 9, 2014. These filings will be pulled and staged for Data Entry.
- Petitions which were not selected through the lottery process will be rejected.

▶ **Data Entry**



- CAP Premium petitions will be data entered in the USCIS systems at an average rate of [redacted] (b)(4) per day; starting April 9, 2014 (second shift) and completing by COB April 15, 2014.
- (b)(4) [redacted] workstations will be required in one of the existing conference rooms located in the Tabor Building. The additional work stations will be used starting March 3, 2014 through the end of CAP processing. (Review "Facilities" Section Below)
- Recommendation: The random number assigned to the CAP cases will be entered into CLAIMS using the "Prior Petition or Application" field – (Instead of using MAS and REG).
- In anticipation of continued volumes of regular Non-Cap petitions, a data entry prioritization list will be supplied to SCOSS by CPAU.
- To facilitate immediate workflow to adjudications, screen prints will not be performed on Premium Processing for the first three days, or until all Premium cases are completed.
- On site OIT support will be available on both shifts.
- Any questions regarding Acceptability/Data Entry will be reviewed with local CPAU/CRU staff.

▶ **Rejects**

- Any CAP cases received before April 1, 2014 will be rejected the day they are received to give the applicant time to resubmit within the CAP lottery window. (Filed too Early)
- Cap filings that are determined unacceptable will be processed as a rejected case. Rejects will be completed and sent based on directions from USCIS.
- Updated CAP Reject Letters, as well as the data fields to be collected, will be provided by CPAU by February 17, 2014.
  - Reject letter templates will be supplied for petitions which were:
    - Filed too early
    - Selected but not deemed acceptable
    - Not Selected
  - The templates will be incorporated into the local Reject Database.
  - CPAU will provide Examples of how the Data should be collected (MMDDYYYY vs. YYYYMMDD)
- All Premium rejected petitions will be held at Tabor – Marble Room until CPAU confirms that they can be shipped out.
- All Non-Premium rejected petitions will be held at Lemnah 4 until CPAU confirms that they can be shipped out.
- For reporting purposes, filings that were included as a CAP case but then later determined to be a non-CAP I-129, will be counted (not processed) as a CAP reject. Re-categorized cases (premium to non-premium or master to regular, etc.) will not be counted as a CAP reject.

▶ **Fee Deposit** (b)(4)

- [redacted] employees will be trained to perform deposit using the existing systems.
- All fees for petitions keyed until 2:30 PM will be scanned into the system from 3:00 PM to 1:30 AM. Scanning will continue the following morning at 4:00 AM until each days deposit is completed.
- Recommendation: Have one additional Check Scanner available as a backup.



- Recommendation: Have OIT support readily available to clean the scanners and to maintain the system.

▶ **Contract & Billing**

- "Out of Scope" tasks, listed in the CAP CLIN Creation section of the plan, and PR waiver requests will be similar to last year and are under review. These lists will be submitted to USCIS for approval in the near future.

(b)(4)

▶ **CAP Matrix/Acceptability**

- The CAP Matrix will be finalized and provided to SCOSS by March 3, 2014, to allow the development of training plans.
- All petitions will be reviewed to determine if they are acceptable based on the supplied CAP Matrix Data.
- In addition to the Matrix review, petitions will need to fall within the Vermont Service Centers Jurisdiction; those which are not within VSC Jurisdiction will be rejected immediately.
- Due to space constraints the Lemnah 4 building will store petitions on pallets to be stacked using forklifts. Forklift support will be provided by USCIS facilities staff.

▶ **CAP Barcoding**

- Each CAP petition will be stored in file jackets with a Random Number Generator (RNG) barcode number. This number will be used to facilitate a random selection process on April 9, 2014. In order to properly track the CAP petitions at all stages of processing, additional barcode scanners and systems access will be required at the Lemnah 4 facility.

▶ **CAP Acceptability/Setup**

- All selected petitions will be reviewed to determine if the fee and petition are acceptable.
- Any questions regarding acceptability will be reviewed with local CPAU/CRU staff.
- Once files are set up, they will be routed to Data Entry for processing.
- Any petitions which are not acceptable (incorrect fee, no signatures, etc.) will be routed for rejection. (Selected Not Acceptable)

▶ **Outgoing Mail**

- All Rejected petitions will be processed through outgoing mail.
- Additional staff will help prepare and seal all envelopes.
- It will take approximately 12 days to complete processing with an expected completion date of June 13, 2013.



▶ **Non-CAP Workflow**

- Non-CAP mail picked up on Saturday, April 5, 2014 will not be processed until April 7, 2014.
- Premium filings will be prioritized and sent to adjudications workflow in a timely manner.
- \*\*PR relief has been granted until June 1, 2014, for timeliness only, on processes identified as a lower priority than CAP by USCIS ("Data Entry Prioritization list").
- Any backlogs in Non-CAP areas anticipate being within compliance by June 1, 2014 (dependent on volume).

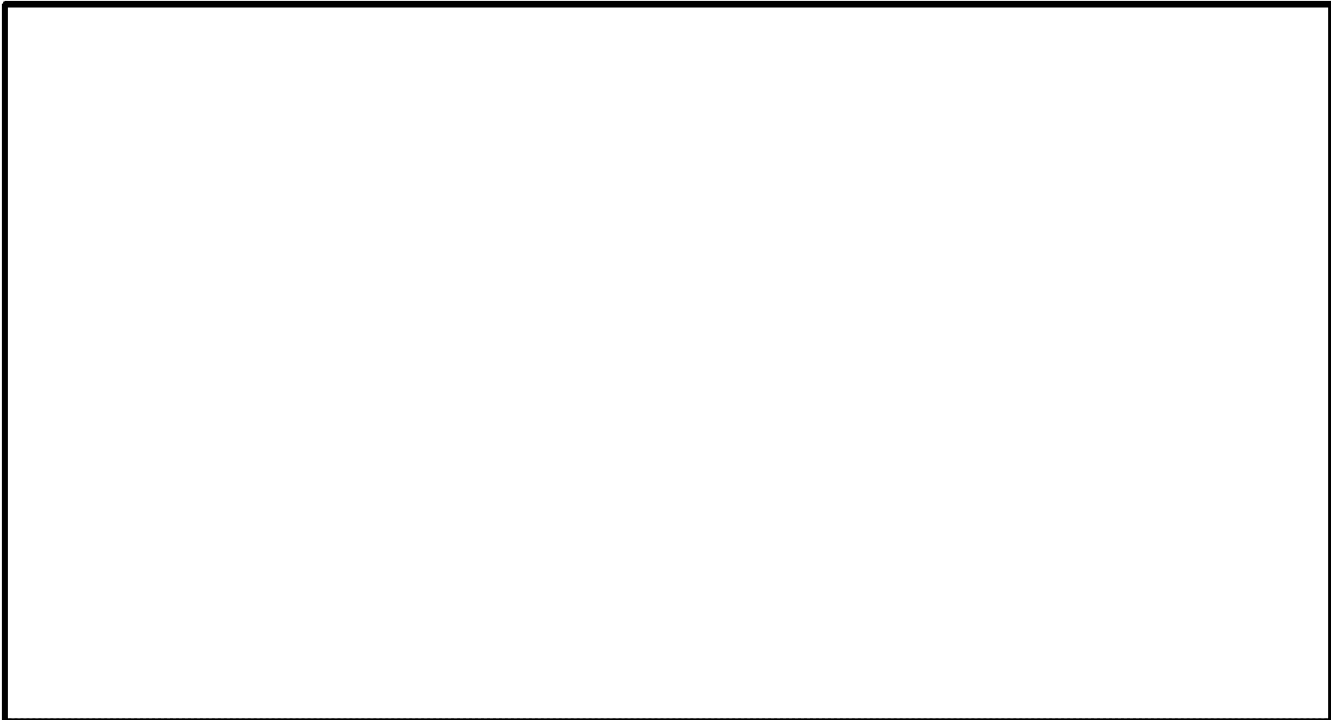
▶ **Reporting**

- The initial Data Entry pending will be reported once we have received the listing of selected Cases.
- A detailed CAP report will be supplied in conjunction with the VSC DAAG.
  - The CAP Report will detail the quantities keyed from each of the CAP categories (VRP, VRN, VMP and VMN).
  - Masters CAP petitions are sometimes selected as part of the Regular CAP. These will continue to be reported under either the VMN or VMP categories from which they originated.

**4. FACILITIES**

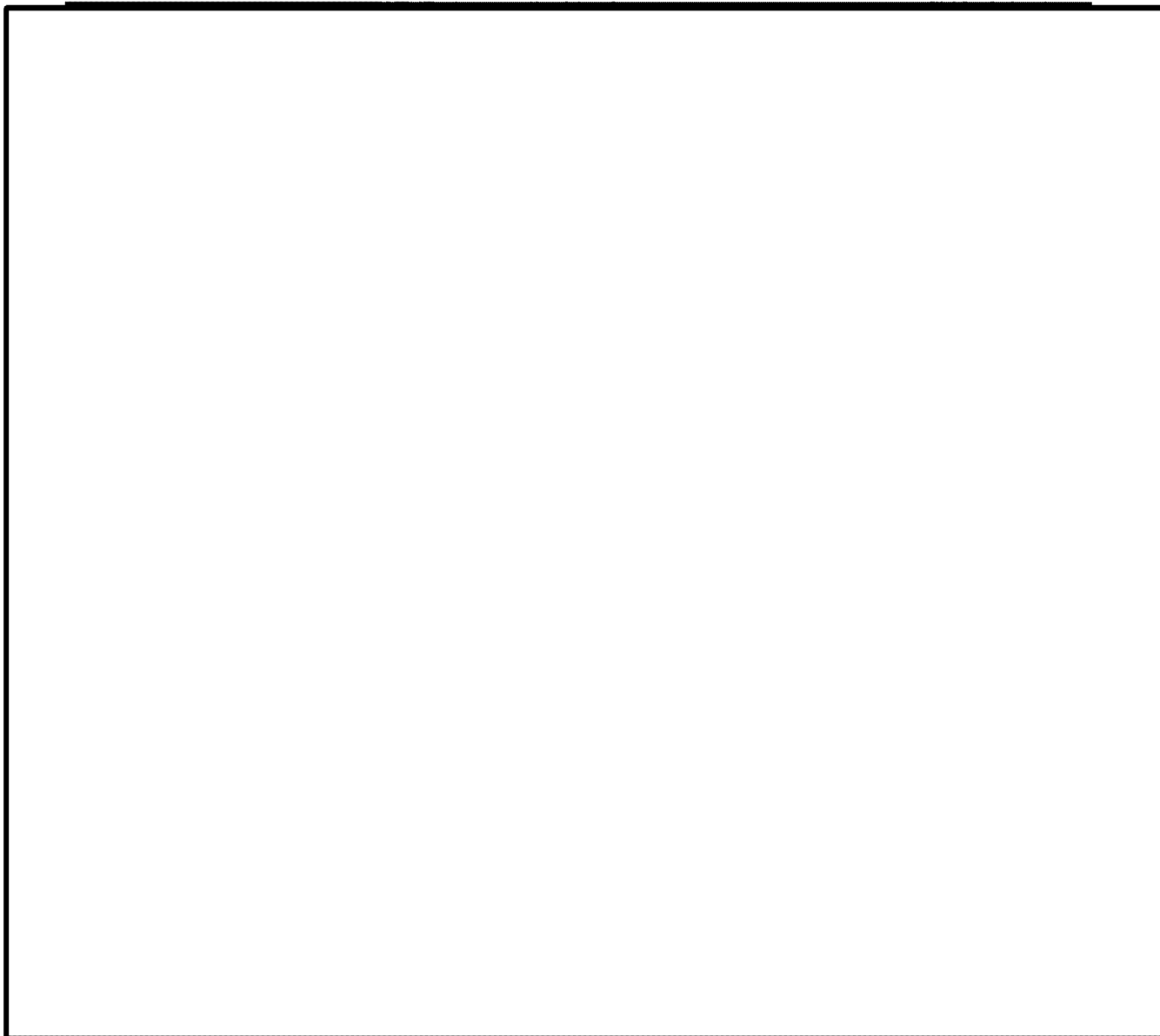
Based on the anticipated volumes and the limited space at Vermont Service Center, VSC SCOSS Management Team has developed a plan to process FY 2015 CAP Project using the available space located at Lemnah 4 building, and the available conference rooms at the Tabor building (Marble, Maple, and Morgan conference rooms)

(b)(4)





(b)(4)



**5. EQUIPMENT & SUPPLIES**

The following is a list of equipment that will be used during CAP:

- Mail Scanners, one at each location receiving mail, will be manned and operated by an FPS guard or their USCIS staff.



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- Supply needs:
  - Recommendation: If possible, we would like to minimize the number of supplies in the CAP areas and create a "Pick up" for SCOSS to retrieve supplies.
  - The list of supplies below will be needed to support CAP. A final version will be available to Facilities on January 20, 2014.

SUPPLIES & EQUIPMENT REQUESTED FROM USCIS			
ITEM	UNIT	QUANTITY	COMMENTS
BLADE STAPLE PULLERS brand G2K	EACH	108	
BOXES	EACH	5000	Some each day for the first five days
BOX TAPE	ROLLS	50	
BOX TAPE DISPENSER	DISPENSER	8	
CLEANER, ALL PURPOSE	EACH	10	
CLIPS, BLACK - LARGE	CASE	10	
CLIPS, BLACK - MEDIUM	CASE	10	
CLIPS, BLACK - SMALL	CASE	4	
DATE STAMP (ROLLING DAY/MONTH/YEAR)	EACH	130	On order
DEPOSIT ONLY STAMPS	EACH	130	On order
FINE TIP MARKERS - BLACK (Sharpie or Bic)	DOZEN	4	
FOLDERS, GREEN FILE 1/2 CUT	CASES	20,000 folders for the first five days	
FOLDERS, BROWN FILE 1/2 CUT	CASES	60,000 folders for the first five days	
HI-LIGHTERS (DZ), Any Color	DOZEN	20	
LABELS, BARCODE = cases	CASE	3	Needed prior to CAP
LETTER SLICERS	EACH	130	
MARKERS, BLACK	DOZEN	5	
MAX STAPLERS	EACH	108	
PAPER TOWELS	ROLLS	10	
PAPER, GOLDEN ROD	CASE	1	
PAPER, WHITE	CASE	1	
PAPER, PINK	CASE	1	
PAPER, GREEN	CASE	1	
PAPER, LIGHT PURPLE	CASE	1	
PAPER, BLUE	CASE	1	

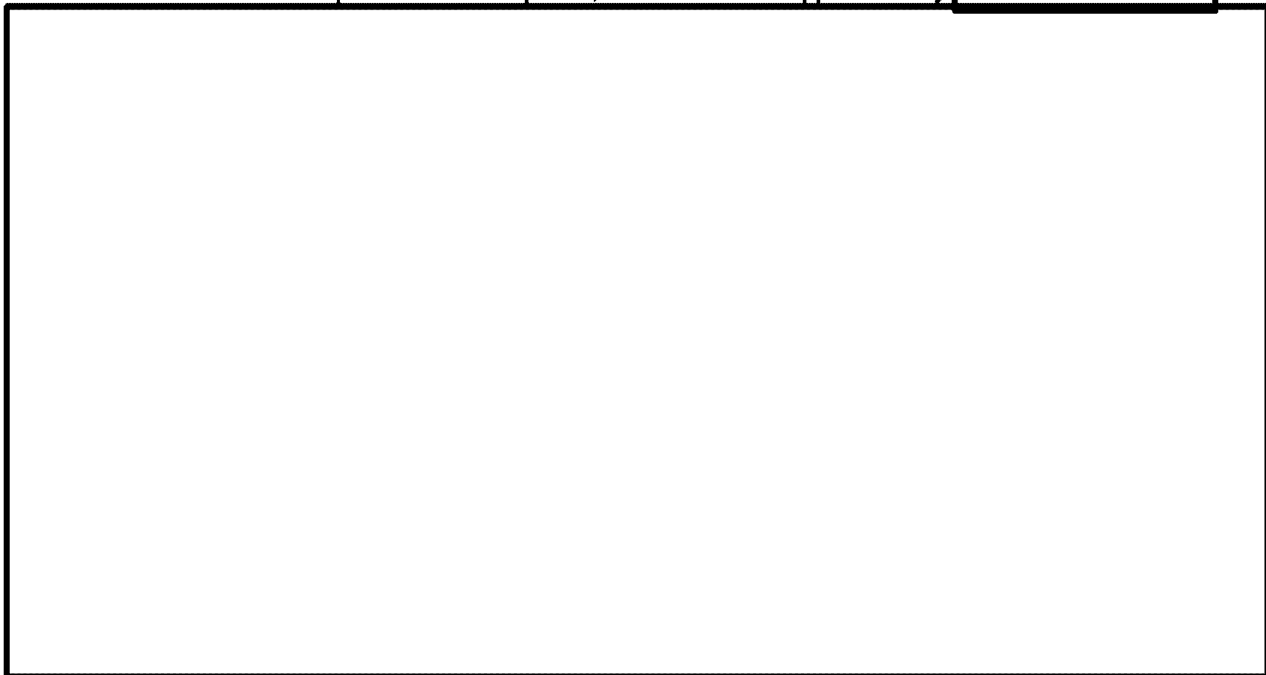


PENCILS, 6 dozen per box	BOX	5	
PENCIL SHARPENER	EACH	5	
PENS, BLACK - MEDIUM POINT-SKILCRAFT	DOZEN	5	
PENS, BLUE - MEDIUM POINT	DOZEN	3	
PENS, RED - MEDIUM POINT	DOZEN	3	
PHOTOCOPY PAPER 8 1/2" X 11"	CASE	4	
POST-IT FLAGS #680-5 (assorted colors)1.5x2	BOXES (600 per box)	32	Brand - UNV -99001, 99002, 99003 etc.
RUBBER BANDS, LARGE #32	Case	2	
RUBBER BANDS, SMALL, #19	Case	4	
RUBBER FINGERS Variety of sizes	case	2 box each of size 11, 12, 13, 14	
SCISSORS, 6 pair per box	BOX	14 Boxes	
SCOTCH TAPE DISPENSERS, 12 each	BOX	6 Boxes	
SCOTCH TAPE, 144 rolls per box	BOX	2 Box	
STAPLES (Standard) 500 box per case.	CASE	1 Case	
STENO NOTEBOOKS (small)	DOZEN	1	
TACKY FINGER, 12 each per box	BOX	2	
X STAMPER REFIL INK (BLACK)	DOZEN	1	
ROYAL MARK RE-FIL INK (RED) 6CC	Dozen	1	
YELLOW STICK NOTES (2"X3" Plain)	Case	1	
YELLOW STICK NOTES (4"X6" w/lines)	Case	1	
BOX CUTTER KNIFES	Each	30	

## 6. STAFFING DETAILS

- The total contract personnel on April 1, 2014 will be approximately

(b)(4)



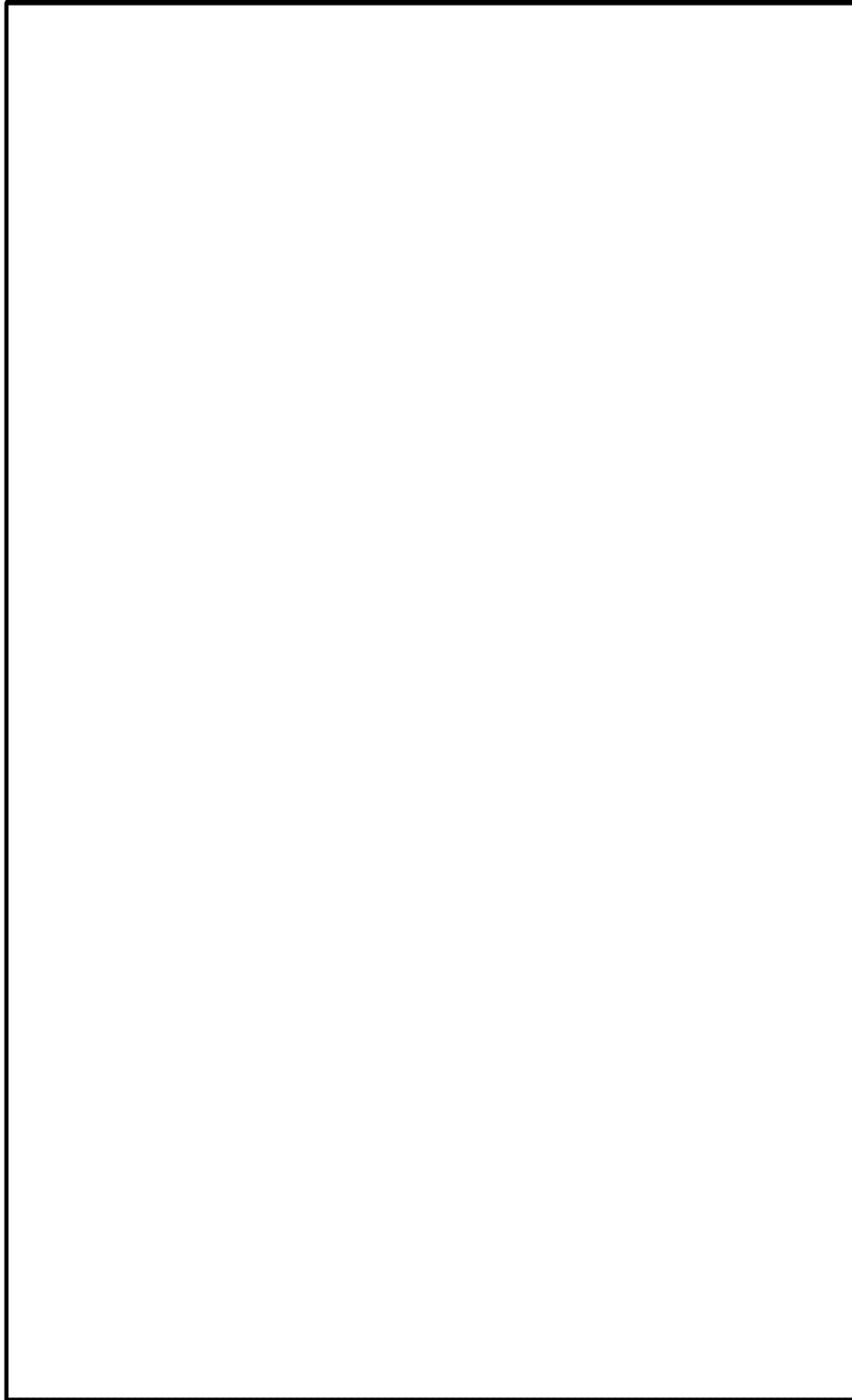


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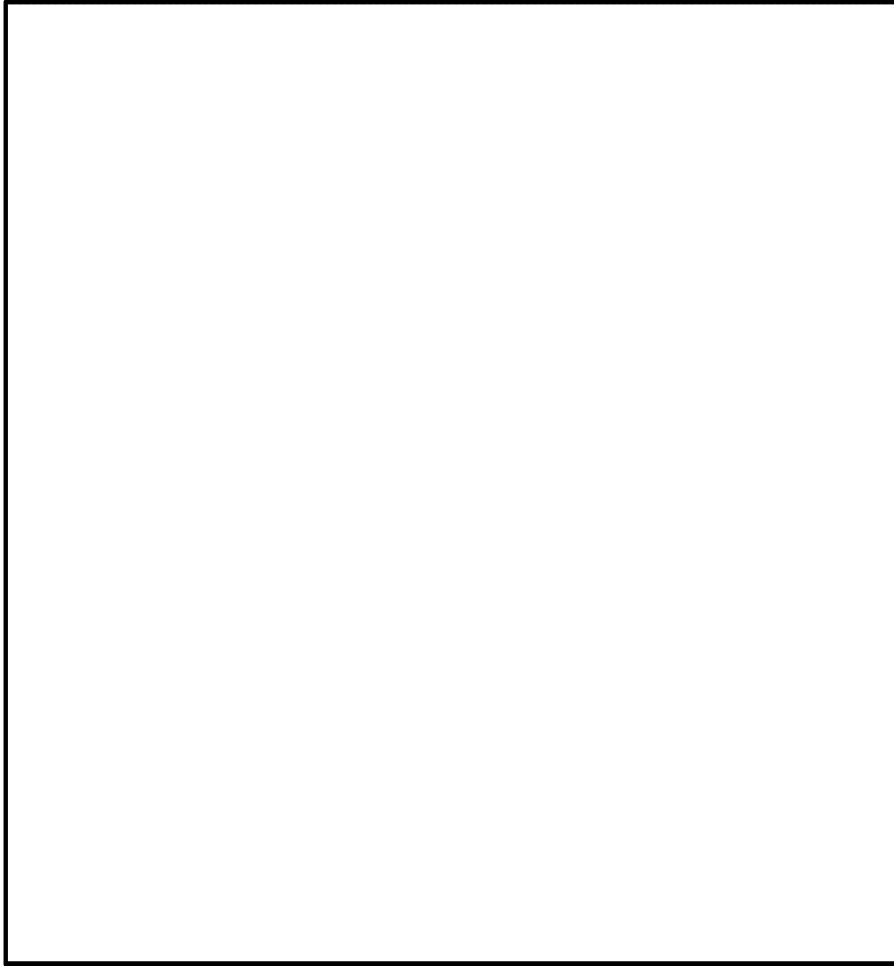
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► Overtime



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Revision January 17, 2014

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Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

## 7. TRAINING

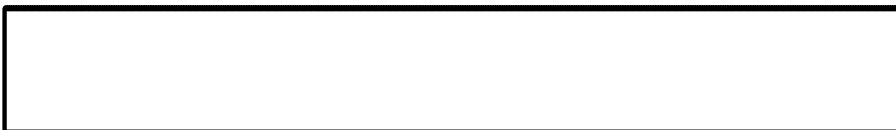
A training packet has been created solely for CAP purposes to include:

The table below estimates hours necessary for training (to be updated):

CAP Estimated Training Hours 2014		
Process	Time	Total

**8. PERFORMANCE REQUIREMENTS RELIEF**

(b)(4)



PR	Requirement	PR Granted Till
4.2	Mail Operations Support	06/02/2014
4.2.5	All mail (excluding certain exceptions) shall be opened, sorted, date stamped, properly handled, and timely processed and routed by the Contractor in the assigned mail area	06/02/2014
4.3.2	The Contractor shall review applications/petitions and supporting documents for completeness, jurisdiction, signature, and correct fee, and process those complaint and non-compliant applications/petitions.	06/02/2014
4.3.3	The Contractor shall collect information from forms and source documents and accurately input data into various formatted screens within established processing timeframes. Accuracy is defined as no data entry errors on the entire form or document.	06/02/2014
4.3.5	The Contractor shall generate and interfile screen prints as required.	06/02/2014
4.3.6	The Contractor shall accurately scan materials and as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for documentation.	06/02/2014
4.3.7	The Contractor shall scan, process, and verify fingerprint cards (FD-258) for submission to the FBI.	06/02/2014
4.3.8	The Contractor shall create files during data collection.	06/02/2014
4.4.1	The Contractor shall review receipted fees for acceptability and ensure the fee is endorsed in accordance with Treasury Financial Manual.	06/02/2014
4.4.2	Reconcile Fees and Prepare Deposit Ticket	06/02/2014
4.5.1	The Contractor shall create files when requested during file operations.	06/02/2014
4.5.2	The Contractor shall submit a report showing individual clerk and individual system deposit totals to USCIS, on a daily basis or as required.	06/02/2014
4.5.3	The Contractor shall fulfill internal (with the service center) and external (originating from other centers, district offices, the NRC, etc.) file request for information by identifying, locating, retrieving and delivering correct file(s) with in the established timeframes.	06/02/2014
4.5.5	The Contractor shall file and re-file records	06/02/2014
4.5.8	The Contractor shall accurately consolidate files physically and electronically within established timeframes.	06/02/2014
4.5.10	The Contractor shall accurately interfile, connect, and route correspondence or RFE with corresponding file(s) and update systems within established timeframes.	06/02/2014
4.5.14	The Contractor shall perform system queries and searches in USCIS systems, and places a screen print(s) of the search result(s) in the file, when required.	06/02/2014
4.5.15	The Contractor shall accurately scan materials and, as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for document production.	06/02/2014
4.5.16	The Contractor shall correctly assemble E-filed applications and petitions into files.	06/02/2014
4.5.18	The Contractor shall pick up, continuously sort, and deliver for internal distribution printouts and files between mail stops within the service center as established by the COTR. The contractor	06/02/2014



PR	Requirement	PR Granted Till
	picks up mail, printouts, and files no less than twice daily as scheduled by the COTR.	
4.5.19	The Contractor shall photocopy applications and petition-related documents when required.	06/02/2014

9. CAP CLINs

(b)(4)

- Hours spent performing the following tasks will be recorded daily utilizing the  system:
- All functions will be recorded under the CLIN (Contract Line Item Number) identified.
  - MAIL CLIN:
    - Opening and Identifying Mail
  - CAP CLIN:
    - CAP Sort - Initial sort into "CAP" and "NON CAP" work after mail has been scanned
    - CAP Courier - Courier deliveries taken, beyond the normal amount, for CAP and Non-CAP
    - CAP Box Prep - Creation and Breakdown of boxes used to store CAP files
    - CAP Dock Team - Unloading files from courier vehicles so they can be scanned
    - CAP File Acceptability - Review and setup of selected CAP Petitions; determine if fees and petitions are acceptable.
    - CAP File Audit - Tracking files in NFTS and processing reports
    - CAP File Labeling - Placing barcode labels on the file jackets
    - CAP Folder and Boxing - Boxing up CAP cases and filling out crate sheets
    - CAP Matrix Review - Performing the matrix review to determine if cases in the "CAP" sort are in fact CAP and if they are, which CAP category they belong to
    - CAP Runner - Delivering or picking up work for people in the CAP area
    - CAP Training - All time spent training and being trained in order to prepare for CAP
    - CAP Verification - Verification of sorts, counts, barcode labels
    - CAP Break - Breaks taken while working CAP
    - CAP Reporting - Reporting CAP tasks in SCOSS View and hours in Time System
    - CAP Prep Work - Misc. tasks associated with CAP (Cleaning, Trash, Recycling)
    - CAP Rejects - Maintaining CAP Rejects (Not used for processing CAP Rejects)
  - DATA ENTRY CLIN:
    - Data Entry of each CAP Petition and any other riding petitions.
- All hours recorded under the CAP CLIN will be billed as a separate invoice to USCIS.

10. TASKS

The following tasks will be performed during CAP.

- Box Creation/Prep



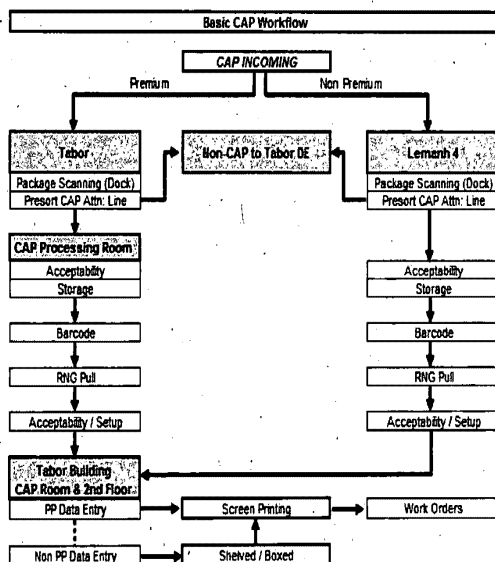
- File Jacket Labeling
- Loading Dock Operations
- 1st Sort Operations
- Courier Team Operations
- Presort Operations
- Gunner (Dolphin) Team
- Data Entry and Fee Receiving Operations
- Mail Metering Operations

### 11. CAP PHASES

The following are the phases of our CAP plan:

- ▶ Initial Planning (January 1, 2014 to February 15, 2014)
- ▶ Preparation (February 18, 2014 to March 29, 2014)
- ▶ Execution (April 1, 2014 to May 4, 2014):
  - Slit & peek, stamping, sorting, and placed in file jacket completed for first five days of CAP receipts based on volumes of up to 11,400 per day. April 1, 2014 to April 5, 2014)
  - Bar-code petitions for RNG starting on Monday, April 1, 2014 thru Monday, April 6, 2014. (Working Saturday to finish barcoding process.) (b)(4)
  - Process all CAP cases received during the lottery window (April 10, 2014 to April 30, 2014).
  - Daily keying of all CAP cases received up to [ ] per day based on available workstations.
- ▶ Backlogs back in compliance based on volumes received by June 1, 2014.

### 12. BASIC PROCESS WORKFLOW



**Holt, Cynthia L**

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**From:** Doumani, Stephanie M  
**Sent:** Friday, January 31, 2014 12:27 PM  
**To:** King, Alexander R  
**Subject:** FW: CAP results in 2008  
**Attachments:** FW: ADJ Capacity Report

---

**From:** Peck, Denis R  
**Sent:** Friday, January 31, 2014 11:56 AM  
**To:** Sweeney, Shelly A; Aucoin, Lauren J; Doumani, Stephanie M; Tu, David J; Fedak, Orest S; Liang, Gwen  
**Cc:** Velarde, Barbara Q; Tynan, Natalie S  
**Subject:** CAP results in 2008

It's an interesting fact that the 2008 calendar coincides with 2014 and the volume we received that year, our heaviest, may well be close to what we get this year. For these reasons I think we can get some value from reviewing some of the data and emails of that year.

Here is the breakdown of the gross incoming they had. Jim Fitzsimmons used a smaller target of petitions to accept back then and his overall number was 95,000.

I also have this old message that may help in adjudicative planning.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

---

**From:** Bushey, Sandra T  
**Sent:** Wednesday, April 09, 2008 12:30 PM  
**To:** Peck, Denis R; Prince, Rose M  
**Cc:** Novak, Paul E; Poulos, Christina ; Cummings, Kevin J; Williams, Carol L; Velarde, Barbara Q  
**Subject:** Preliminary analysis

Denis/Rose

I have done a quick analysis on the percentages of cases that were filed for H1B status at both Centers. The numbers I used were those submitted by Stanley, which reflect about 99% completion rate. The only cases left to be included in the VSC counts are those which are currently being reviewed by our Records employees. That number is very small and should not have much of an impact on the final counts.

These conclusions are based on the information that has been received to date:

<b>GRAND TOTAL of H1B petitions received:</b>	<b>162,713</b>		
TOTAL H1B petitions filed under Regular cap	131,436	or	81% of total filings
TOTAL H1B petitions filed under the Masters cap	31,277	or	19% of total filings

TOTAL H1B petitions filed asking for Premium Processing	28,915	or	18% of total filings
TOTAL H1B petition filed NOT asking for Premium Processing	133,798	or	82% of total filings

**BREAKDOWN ESTIMATES:**

<b>GRAND TOTAL OF H1B petitions received:</b>	<b>162,713</b>		
TOTAL Regular petitions	131,436		
RNG Selection estimate for Regular Cap	70,000	or	53% of Reg. filings
TOTAL Masters petitions	31,277		
RNG Selection estimate for Masters Cap	25,000	or	80% of Masters filings

**IF THE SAME LOGIC HOLDS TRUE WE CAN EXPECT TO RECEIVE:**

- 34% of the Masters filings requested premium processing
  - 34% of the 25,000 RNG selections would be: 8,500
- 18% of the Regular filings Requested premium processing
  - 14% of 70,000 RNG selections would be 9,800

TOTAL OF ANTICIPATED PREMIUM CASES SELECTED	18,300
▪ ASSUMING THAT VSC WILL RECEIVE 2/3 OF THE CASEWORK	12,078
▪ ASSUMING THAT CSC WILL RECEIVE 1/3 OF THE CASEWORK	6,039

This information is only a preliminary estimate and a more accurate analysis will have to be conducted.

Sandi

**Holt, Cynthia L**

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**From:** Bump, Micah N  
**Sent:** Monday, February 24, 2014 10:29 AM  
**To:** Doumani, Stephanie M; Morgan, Carmen J; Dalal-Dheini, Sharvari P  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** RE: Cap Subject/ Cap Exemption Situation Document

Hi Stephanie,

Thanks for running this by OCC. (b)(5)



Please let us know if you have any questions.

Best,

Micah

---

**From:** Doumani, Stephanie M  
**Sent:** Friday, February 21, 2014 4:42 PM  
**To:** Bump, Micah N; Morgan, Carmen J; Dalal-Dheini, Sharvari P  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** FW: Cap Subject/ Cap Exemption Situation Document

Hi OCC,

I was hoping you could assist us with the question below from the CSC. We recently sent out a draft of our Cap Subject/ Cap Exemption document to the VSC and CSC for review.

The CSC had a question regarding the last example, which reads as follows: (b)(5)



CSC proposed the following questions/ examples:

(b)(5)



At your convenience, do you mind weighing in on CSC's questions.

Thank you,  
Stephanie

---

**From:** Fierro, Joseph

**Sent:** Friday, February 21, 2014 1:25 PM

**To:** Doumani, Stephanie M

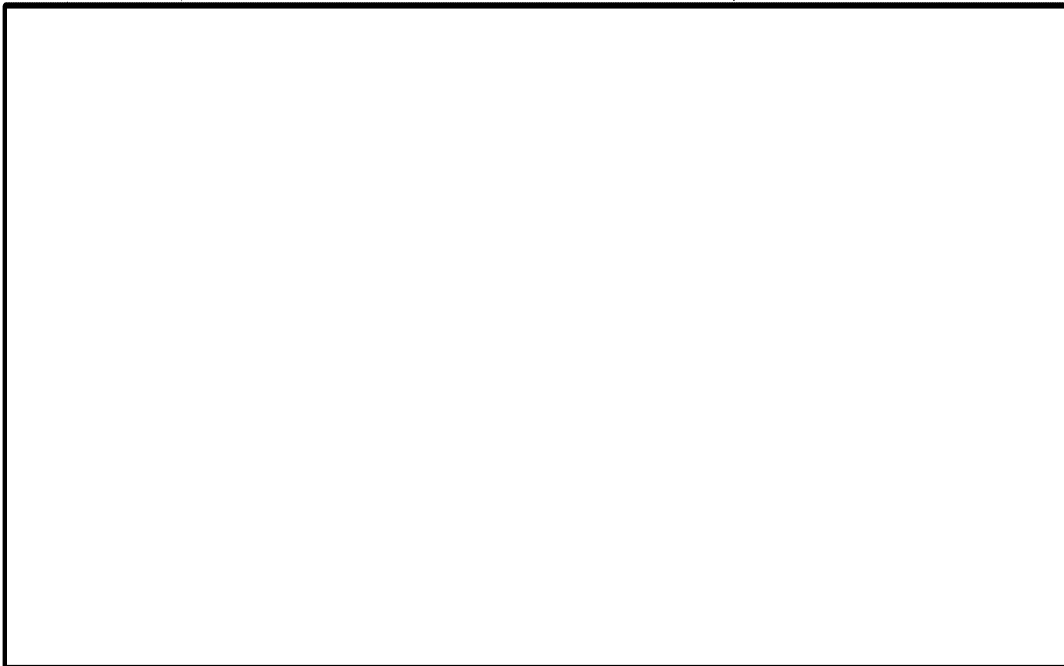
**Cc:** Tamanaha, Emisa T; Baltaretu, Cristina G; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R

**Subject:** Cap Subject/ Cap Exemption Situation Document

Hi Stephanie:

CSC has reviewed the document and we agree with the responses for these scenarios and it meets our needs with the exception of one question.

The question relates the last scenario : (b)(5)



(b)(5)



What does SCOPS think?

Also, we are creating a chart to assist officers in the application of these scenarios to make it easier for officers to follow, which we will share with you for review.

Thanks,

Joe  
949-389-8634

---

**From:** Doumani, Stephanie M  
**Sent:** Wednesday, February 12, 2014 7:13 AM  
**To:** Canney, Keith J; Tamanaha, Emisa T  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** Cap Subject/ Cap Exemption Situation Document

Keith and Emisa,

As discussed on our cap call yesterday, I have attached a copy of the cap subject/ cap exempt situations document to this email for your review. Please note that this attachment is only a draft and should not be utilized as final guidance. We would like to know if the responses meet each service center's needs and are consistent with current practices in place. If possible, can you please provide a response back to us by COB 2/21?

Thank you in advance with your assistance.

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk (b)(6)  
BB  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

**Holt, Cynthia L**

---

**From:** Liang, Gwen  
**Sent:** Wednesday, April 02, 2014 8:10 AM  
**To:** Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren J  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY15 H1B CAP cases - New Target

Denis,

The barcode target of **97,000** includes 3,000 anticipated manual rejects. We want to select 97,000 barcodes not 100,000.

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

---

**From:** Peck, Denis R  
**Sent:** Wednesday, April 02, 2014 8:25 AM  
**To:** Liang, Gwen; Sweeney, Shelly A; Aucoin, Lauren J  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY15 H1B CAP cases - New Target

Gwen

So does this mean if we anticipate 3,000 (manual, not data entered) rejects we want to select an even 100,000 in the lottery? Or we want to select 97,000?

Is 3,000 anticipated rejects, the number we used last year, the same you anticipate this year?

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

---

**From:** Liang, Gwen  
**Sent:** Tuesday, April 01, 2014 4:53 PM  
**To:** Sweeney, Shelly A; Aucoin, Lauren J; Peck, Denis R  
**Cc:** Fedak, Orest S; Doumani, Stephanie M; Cox, Sophia; King, Alexander R  
**Subject:** RE: FY15 H1B CAP cases - New Target

The new target set for FY15 H1B Cape is **97,000 barcodes**.  
I have factored in the non-data entered rejects and is based on the following statistics:

**189 (on 4/8/2013) – count as cap**

131 (before 4/8/2013) – count as cap  
2,397 (after 4/8/2013) – do not count as cap  
FY14 receipts: 98,806  
FY14 denials: 9,546  
FY14 Approvals: 88,33

I have put my statistics under the wrong parameter section before. It is corrected now.

*Gwen Liang*

Management and Program Analyst

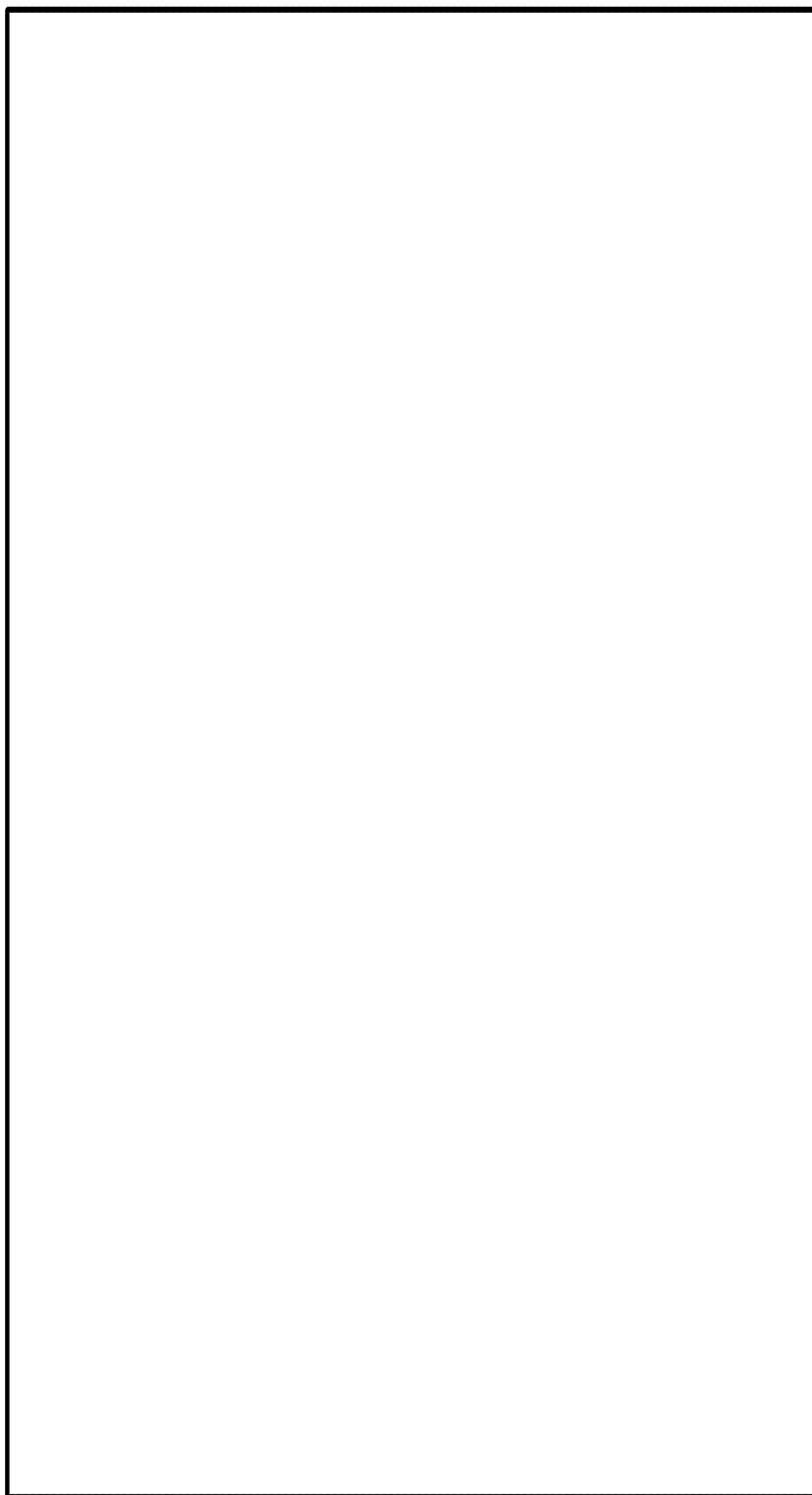
Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

Cap-Subject v Cap-Exempt Situations

(b)(5)



(b)(5)

(b)(5)

(b)(5)

**Holt, Cynthia L**

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**From:** Doumani, Stephanie M  
**Sent:** Tuesday, March 25, 2014 5:24 PM  
**To:** Canney, Keith J; Tamanaha, Emisa T; Boudreau, Lynn A; Loughlin, Stephen J; Nicholson, Richard E; Fries, Juliet M; Ryan, Carrie A; Lussier, Marcy R; Larose, Ronald W; Whittier, Michelle J; Chong, Jenny; Baltaretu, Cristina G; Fierro, Joseph  
**Cc:** Peck, Denis R; Fedak, Orest S; Tu, David J; Liang, Gwen; Bacote, Robert R; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** Revised Rejection Letter  
**Attachments:** Letter - selected in RNG rejected for improper filing SCOPS UPDATE 3 25 2014.doc

VSC and CSC,

We have made a few edits to the "Rejection Letter (Selected in RNG and Rejected for Improper Filing)" document.

Please use the attached document in place of the prior version.

If you have any questions or concerns, please let me know.

Thank you,

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk (b)(6)  
BB  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

Comment [LA1]: VSC: Please change letterhead.



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY15 closed on April 7, 2014.

1.  You submitted your I-129 H-1B petition/H1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2.  You did not include the H-1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3.  The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4.  Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5.  Your I-129 was not properly signed.

(b)(5)

6.  The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be
  - A. \$750 (ACWIA Fee for a company with 25 employees or less).
  - B. \$1,500 (ACWIA Fee for a company with 26 employees or more).
  - C. \$500 Fraud Prevention and Detection Fee.
  - D. \$325 I-129 base fee
  - E. \$2000 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.

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6.  The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
7.  Your I-129 petition subject to FY 15 cap must not have an employment date earlier than 10/01/2014.
78.  Incomplete petition. Page(s) \_\_\_\_\_ missing. Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_ missing incorrect/missing information.
89.  Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.
910.  Your I-129 H-1B Chile/Singapore cap petition may only be filed at Vermont Service Center.
4011.  OTHER: \_\_\_\_\_

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(b)(5)

Sincerely,

SERVICE CENTER DIRECTOR

DRAFT

# CAP 2015 1<sup>ST</sup> SORT TRAINING CONTENTS

## OBJECTIVES:

- Envelope review (Critical)
- CAP Sorting and Daily Presort Sorting

Understanding of the Package notations that indicates whether its CAP mail or Daily mail.

Envelope review is our first step of the CAP envelope reviewing process complete by mailroom clerks and it is essential in ensuring each mail package is handled appropriately.

## WHAT TO DO:

All packages must be reviewed, identified and sorted. Generally the mail is sent in large plastic bags but sometimes it comes in boxes, open the contents of the bag, and begin to identify and sort the mail.

## ENVELOPE IDENTIFIERS:

**All packages sent to or annotated with the following need to be sorted as CAP Mail:**

- Packages sent to PO BOX 10129, PO BOX 30040, AND BOX 10825
- Packages that have "CAP, H1B, 1B1 or 1B" indicator annotated on the outside of the package.
- Packages marked with only I-129 without a classification listed
- Packages marked "CAP EXEMPT or Not Subject to CAP"
- Packages with NO indicator

**\*\*\* FedEx packages – reference the shipping label for a "RE:" to determine sort**

**\*\*\* Letter size envelopes without any indication needs to go to the Daily Presort Mail Cage.**

**The packages are to be placed in buckets, if available.**

**Packages not addressed to the above PO Boxes and/or listing a different form type needs to be put in the Daily Presort Mail cage.**

When in doubt, ask a Supervisor.

There will be two drop offs, one for the CAP sorting buckets and the other one for Daily Presort sorting buckets.

## SAFETY AND SECURITY

- Always have two clerks moving the cages. One clerk should be at the front and the other one at the back of the cage.
- Full cages can be heavy and awkward. This will help to ensure the mail is delivered safely.
- In order to safely maneuver the cages, the clerk in the back will push, and the clerk in the front should steer.
- The clerk in the back will also ensure no envelopes fall out while the cage is in transit.

**NOTE: No envelopes need to be open during the 1<sup>st</sup> sort step!**

SCOSS Team

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**FY2015 H1B CAP  
Matrix Review  
Mailroom Processing**

# Introduction

---

## General:

- No food or drink is allowed at the work tables excluding covered water which must remain capped and on the floor.
- No personal belongings (handbags, lunch bags, backpacks) at the work tables. Tables have been designated for personal belongings for your presort assigned unit.
- Daily schedule:  
Refer to the training schedule for your individual training times. Breaks and lunches will match current operations schedule.

## CAP April 1st

- Start Shift: 10am
- Break: 12am & 430pm
- Lunch: 2pm
- End Shift: 6:30pm

# Minimum Requirements (Relative to Process)

---

- ❖ System Access
  - N/A
  
- ❖ Building Access
  - CAP room Access
  
- ❖ Time
  - March 24– April 7
  
- ❖ Physical
  - Basic Job Requirements

# Introduction

---

## ❖ What is H1B CAP

*April 1, 2014 is the first day the USCIS will accept cap-subject H-1B petitions for FY-2015 where workers can begin employment on October 1, 2014.*

*As a background, the H-1B category is designed for foreign professional workers holding a university degree, and it authorizes the foreign professional to work in the United States in a “specialty occupation.” For most professional positions, the H-1B classification is the only visa category available. The earliest H-1B employment start date will be October 1, 2014. The numerical limitation (“cap”) on new H-1Bs for FY2015 is 65,000. The U.S. Congress fixes a cap for the number of H1B visas that may be issued annually. For fiscal year 2015, the quota is set at 65,000 visas per year, in addition to 20,000 for foreign students who complete a master's degree or higher from a U.S. university.*

# Introduction

---

❖ **CSC & VSC receive all the incoming CAP forms**

(b)(4)



❖ **Lottery is run by the government:**

**\*Contractor pulls the winners and routes to Data Entry.**

**\*Losers are rejected.**

# Tour of Processing Area

---

## **CAP processing area tour:**

- Couriers deliver the cages of mail
- Pre-Sort
- Folder/Box
- Scan (auditing CAP lottery numbers to boxes)

## **CAP support area tour:**

- Personal Belonging storage
- Break area
- Restrooms

# Tools Overview

---

- **Pre-Sort Table Set-up**

- Review of supply box (2 per table)
- All supplies needed, will be provided
- Please do not remove or take supplies
- If a clerk needs any supplies, ask distributor or supervisor for supplies

- **H1B CAP Guidelines** (2 per table)

- **Petition types and related forms** (one set per table)

- I-129, I-539, I-907, I-765, I-102, I-824

- **Individual Production Report (IPR)** (one per clerk)

- **Shipping Label Identification Sheet** (one per clerk)

# Content Review: Cover Letter Review

---

- Any packages without an I-129 on the cover letter (do not complete content review on the package) will need a yellow dot. However, if an I-129 is clearly visible in the package, continue content review.
1. Review the cover letter and look for any other petition and fees mentioned on the Cover Letter that should be in the package.
  1. Fold the cover letter so that it is obvious that it has been reviewed.
  2. If there is not a cover letter included, process the package per the instructions in the Content Review section.

## Content Review: Yellow Dot

---

- ❖ A yellow dot will be applied to packages (near the addressee block) are clearly identified without a I-129 form.

**STOP!! Apply a Yellow Dot and hand the package to the distributor.**

# Content Review: Yellow Dot

---

- The yellow dot will let the distributor know that the package does not contain an I-129 and needs to be routed to the 2<sup>nd</sup> floor presort team.
- The clerk would not put a Yellow dot on a package if they complete CAP determination on the I-129 and find that it is not a CAP case. Instead they would complete all presort steps including annotations. The annotation will be NON CAP.

# Content Review: Yellow Dot (example)

---

Microsoft Corp  
1234 Alphabet St.  
Elementary, CA 56789

California Service Center  
24000 Avila Rd., 2<sup>nd</sup> floor  
Laguna Niguel, CA 92677

# Content Review

- ❖ Look through the package for all petition types inside. Utilize the cover letter as reference of what is included in the package. Here is a list of other possible forms riding with 129s: 102, 539, 765, 824, 907
  - Note: Do Not separate ride-along petitions (539s, 102s, etc.) from their applicable I-129. We should not have any ride-along in their own lottery folder ever.

All forms/petitions include a header on the top right and footer on the bottom right indicating their respective form type.

The entire package must be reviewed regardless of whether a cover letter was provided or not. It is the responsibility of the presort clerk to identify all forms and fees within the package that they complete content review on.

## Content Review: I-907 Review

---

### **I-907 is considered Premium Processing**

- A package with an I-907 is considered an expedite package that customers pay an additional \$1225.00 for processing. The petition is comprised of TWO pages !!!

Fold the I-907 and leave it where it is; Annotate a 'PP' in the 'forms' section of the annotation block (see slide 18)!

## Content Review: Duplicates Review

---

- ❖ **If multiple I-129s are inside the package, review the beneficiary name on page 3 to see if both I-129s are for the same person.**
  - A. If page 3, Part 3, number 1 a-c of the I-129 petition indicates the names are the same, the petition is a duplicate and should remain with the original in the same envelope. (the duplicate does not count as a petition for annotation purposes).
  - B. If page 3, Part 3, number 1 a-c of the I-129 petition indicates different names, the second I-129 set should be removed from the package along with any of its riders. A Shipping Label Identification Sheet will need to be completed (reviewed later in this training)

**NOTE: If the petition is stamped as “KCC Copy”, “Copy” or “Duplicate” by the sender it will not need to be reviewed if it is obvious which I-129 it is a copy of.**

# Content Review: Fee Security and Loose Photos

---

- ❖ **Fee security – all fees that are listed on the coversheet and/or are in the package need to be reviewed and secured**
  - a. All Checks need to be endorsed ( backside, lower portion of the check); fold check to show that it is endorsed.
  - b. Make sure payee line is completed (If not filled out notify your distributor)
  - c. Secure loose checks by stapling to the top Document.
  - d. If there is CASH notify the supervisor immediately!
  - e. If the fee is already attached to the first 10 pages in the package it can remain there after reviewed and endorsed, however if there are multiples fees on different pages of the documents, they must all be attached together on one of the first 10 pages.
- ❖ **Loose photos will be placed in the glassine bag and attach to the top of first document**

# Content Review: CAP Determination

---

## Page 2

### Part 2 information about this petition

- **# 1 Request Nonimmigrant Classification** - This box needs to be filled out as H1B, 1B1 or H1B1 to be a potential CAP case.
  - If it is annotated with anything other than H1B, 1B1 or H1B1, annotate “NON CAP” on the package.
  - Annotate the classification from #1 Requested Nonimmigrant Classification in the ‘forms’ block of the annotation crossbar  
(see slide 18)
  - If no classification is identified (it’s BLANK!) then annotate *CIS Review*

# Content Review: CAP Determination

---

## Page 18

### PART C, number 1

- If “a” is marked, it is a Regular CAP case.
- If “b” is marked, it is a Master CAP case.
- If “c” is marked, it will be annotated as CIS Review.
- If “d” is marked, it will be annotated as NONCAP.
- If it is blank, annotate CIS Review.

# Annotations

---

Annotations need to be made to the envelope indicating the contents of the package. Use the crossbar template below:

## ***CAP CATEGORY***

<b>(Date Stamp)</b>	<b>(Clerk ID)</b>
<b>(Forms)</b>	<b>(\$ ) or (0)</b>

Do not stamp the annotation on a plastic cover or glossy surface. The annotation should not smear. As with some FedEx packages that received, to prevent this pinch/lift the plastic cover or cut it. Don't stamp the plastic!

# Non – CAP

## Form Type & Annotation

---

### Forms:

I-129

I-539

I-765

I-102

I-129PP

### Annotations:

Classification – O,P,Q,L,H2 etc.

539

765

102

Classification – O PP, P PP, Q PP, etc.

Riders should be listed after the I-129 classification.

Example: O / 539 or O PP / 539/ 765

# CAP Categories

---

## ❖ Petition Identifiers:

- CRN ~ **Regular Non- Premium**
- CMN ~ **Master Non premium**
- CRP ~ **Regular Premium**
- CMP ~ **Master Premium**

# NON CAP

---

- ❖ **The package will be annotated as NON CAP when the following criteria is met:**
  - CAP determination is complete and the case is NON CAP
  - All other presort steps are complete including content review and fee security.
- ❖ **All NON CAP packages should have a complete annotation including whether it is a premium case and includes any riders.**
- ❖ **After annotation is complete the package will be handed to a Distributor for routing.**

# CIS Review

---

- ❖ **The package will be annotated as CIS Review when the following criteria is met:**
  - CAP determination is complete and the instruction is to send the case to CIS Review
  - All other presort steps are complete including content review and fee security.
- ❖ **All CIS Review packages should have a complete annotation including whether it is a premium case and includes any riders.**
- ❖ **The page that has the information that indicates the case should go to CIS review will be folded for easy review.**
- ❖ **After annotation is complete the package will be handed to a Distributor for routing.**

# Content Review: Shipping Label Identification Sheet

---

- ❖ A Shipping Label Identification sheet should be completed and attached with a rubber band to any I-129 that is a multiple within the same package. All I-129s that are not duplicates must be assigned its own lottery number, so they must get their own folder but we also need to track what package it came from originally.
  
- ❖ Ask a Distributor for a folder for the case that will have the original packaging with it. You will need to let the distributor know what CAP Category the case is (CRN, CRP, CMN, or CMP), so they can give you the correct color folder.
  - ❖ For large box filings, you may ask the Distributor to make a copy of the original shipping label, or envelope or box top

# Content Review: Shipping Label Identification Sheet

---

- Circle the appropriate courier the package was delivered by. Below are a few examples:



USPS - CERTIFIED MAIL

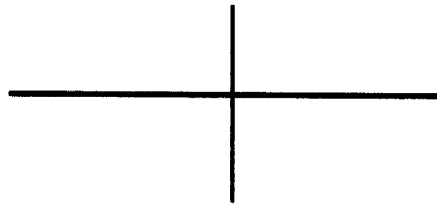


# Content Review: Shipping Label Identification Sheet

---

- Complete the annotation crossbar in the space provided. Annotation format will be reviewed in a later slide.

COMPLETE ANNOTATION BELOW



- The barcode label for the case that has the original envelope must be written on the sheet as well. An abbreviated notation is acceptable in this format: (cap type) (last 5 digits) example: CMN10001

ORIGINAL PACKAGING FOLDER #  
(PREFIX AND LAST 5 DIGITS)

## Routing & Replenishment

---

- After the petitions have been identified place all the forms back into the envelope and rubber band the entire package.
- The mail will be picked up by the distributor.
- If you need additional mail or supplies let your distributor know.

# Activity

---

In front of you is a sample packet of an H1B CAP petition.

Assemble the package using the training you have been given:

- Cover Letter Review
- Content Review Processing
  - I-129 Review
  - I-907 Review
  - Rider Review
  - Duplicate Review
  - Fee Processing
- CAP Determination
- Annotation
- Shipping Label Identification
- CAP IPR

# Conclusion

---

- ❖ Review
  - Envelope
  - Cover Letter
  - Content
  - Duplicate (COPY)
  - I907 / Riders
- ❖ Fee Security
  - Endorsement / Payee Line
- ❖ Annotation
  - Crosshair Template - Location
- ❖ CAP Categories
  - CRN – Regular Non Premium
  - CRP – Regular Premium
  - CMN – Master Non Premium
  - CMP – Master Premium

# Conclusion

---

- ❖ Account for your time spent training as:
  - HOURS
  - CLIN
  
- ❖ SOP for this processing is located at:
  - O:Common\SCOSS\SOP\IncomingMail
  
- ❖ This training is located at:
  - O:Common\SCOSS\training\SCOSS training\CAP
  - **Supervisors are available for Assistance**

# Knowledge Review

---

1. **If Page 18, Part C, #1 is marked 'C':**
  - a. Annotate NON CAP as the CAP Category
  - b. Annotate CRN as the CAP Category
  - c. Apply a yellow dot and give to the Distributor
  - d. Annotate CIS Review as the CAP Category
  
2. **If Page 2, #1 is marked 'H1B1' or 'H1B':**
  - a. Annotate NON CAP as the CAP Category
  - b. Continue to page 18 to determine the CAP Category
  - c. Apply a yellow dot and give to the Distributor
  - d. Annotate the form as an 'H2A' in the annotation block
  
3. **If the case is "CAP Exempt" or "Not Subject to CAP", what must be placed on the package?**
  - a. Complete content review
  - b. Pink dot
  - c. Yellow dot
  - d. Write down "Not Subject to CAP" or "CAP exempt"

# Knowledge Review

---

4. **What is a cover letter used for?**
  - a. It is a form that should have \$ attached to it?
  - b. A document to get to know the petition/applicant
  - c. A tool used to help identify the contents of the package
  - d. Not used by the presort team
  
5. **Where is the form/petition type located on all forms?**
  - a. Upper right
  - b. Lower left
  - c. Bottom right
  - d. A & C
  - e. All of the above
  
6. **How many pages in an I-907**
  - a. 15
  - b. 2
  - c. 3
  - d. 1

# Knowledge Review

---

7. **What form type indicates it is a Premium Processing package?**
  - a. I-907
  - b. I-129
  - c. I-102
  - d. I-539
  
8. **I received a I-539 "riding" with an I-129 CAP case. I should...**
  - a. Process as normal and keep together with I-129
  - b. Separate I-539 and place in separate CAP folder
  - c. Give to my supervisor
  - d. Both A & C
  
9. **I receive I-129 "riding" with I-765, I-824 & I-102. I should...**
  - a. Include a shipping label identification sheet & separate
  - b. Keep them together
  - c. Give to my sup/distributor
  - d. Separate the I-129, and keep the I-824, I-102, I-765 together
  
10. **I have two I-129's in one package. Page 3, Part 3, 1a-c both of the I-129s have different beneficiary names. I should:**
  - a. Leave in same envelope and process as normal
  - b. Separate the I-129's, their supporting documents & attach a shipping label ID sheet to one
  - c. None of the above

# Knowledge Review

---

11. **You have an original I-129 and a duplicate copy set. On both of them, page 3 part 3, 1 a-c are the same? I should:**
  - a. Leave documents in the same envelope
  - b. Separate & attached shipping label ID sheet
  - c. Remove the duplicate copy as waste and only keep the Original I-129
  - d. None of the above
  
12. **If Page 2, #1 lists a classification other than 'H1B1' '1B1' or 'H1B' :**
  - a. Annotate NON CAP as the CAP Category
  - b. Continue to page 18 to determine the CAP Category
  - c. Apply a yellow dot and give to the Distributor
  - d. Annotate CIS Review as the CAP Category
  
13. **I find a check 20 pages into the review of the supporting document. I should...**
  - a. Leave it
  - b. Paper clip to 1st page or the location of a check within the top 10 pages. All checks should be on the same page within the top 10 pages.
  - c. Staple to 1st page or the location of a check within the top 10 pages. All checks should be on the same page within the top 10 pages.
  - d. Not endorse the check, it is not necessary
  
14. **Review the I-129 form. Part 2 #1 is H2B - I should:**
  - a. review Part 2 #2, it is a CAP case and process as normal
  - b. annotate "NON CAP" and give to a distributor
  - c. route to CIS Review
  - d. It is correspondence, route to Brandon Vu.

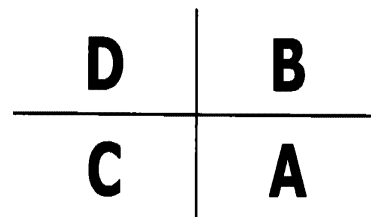
# Knowledge Review

---

15. Annotation diagram (fill in the corresponding letter)

- \_\_\_ Fee/no Fee
- \_\_\_ Form Type
- \_\_\_ ID #
- \_\_\_ Date
- \_\_\_ CAP category

<b>E</b>
----------



16. For FedEx, your annotations need to be where?

- a. On the plastic
- b. Pinch/cut plastic and stamp on the paper slip

17. If Page 18, Part C, #1 is marked 'D':

- a. Annotate NON CAP as the CAP Category
- b. Annotate CRP as the CAP Category
- c. Apply a yellow dot and give to the Distributor
- d. Annotate CIS Review as the CAP Category

# Knowledge Review

---

18. **If Page 18, Part C, #1 is marked 'B', and there is NOT an I-907 in the package:**
  - a. Annotate NON CAP as the CAP Category
  - b. Annotate CMN as the CAP Category
  - c. Apply a yellow dot and give to the Distributor
  - d. Annotate CMP as the CAP Category
  
19. **If the I-129 is determined to be NON CAP after the CAP determination step is completed, the envelope will be completely annotated and the CAP category field will be notated as NON CAP?**
  - a. true
  - b. False
  
20. **The Payee Line on a check is blank, I should:**
  - a. Not Endorse check
  - b. Leave payee line blank
  - c. Give to sup/distributor
  - d. Write my name in & take a vacation
  
21. **If Page 18, Part C, #1 is marked 'A', and there is an I-907 in the package:**
  - a. Annotate NON CAP as the CAP Category
  - b. Annotate CRN as the CAP Category
  - c. Apply a yellow dot and give to the Distributor
  - d. Annotate CRP as the CAP Category

# Knowledge Review

---

22. **A Yellow Dot will be applied to a package when:**
- a. The cover letter is marked “CAP Exempt” or “Not subject to CAP”
  - b. After CAP Determination the case is identified as NON CAP
  - c. If the cover letter does not indicate that an I-129 is within the package
  - d. All of the above
  - e. a and c only
23. **If Page 18, Part C, #1 is marked ‘A’, and there is NOT an I-907 in the package:**
- a. Annotate NON CAP as the CAP Category
  - b. Annotate CRN as the CAP Category
  - c. Apply a yellow dot and give to the Distributor
  - d. Annotate CRP as the CAP Category

# Knowledge Review

---

24. Which packages should be given to a distributor for rerouting after the package has been completely reviewed and annotated?
- a. NON CAP cases
  - b. CIS Review cases
  - c. Both of the above
25. If Page 18, Part C, #1 is marked 'B', and there is an I-907 in the package:
- a. Annotate NON CAP as the CAP Category
  - b. Annotate CMN as the CAP Category
  - c. Apply a yellow dot and give to the Distributor
  - d. Annotate CMP as the CAP Category

# Knowledge Review

---

**26. If Page 18, Part C, #1 is blank:**

- a. Annotate NON CAP as the CAP Category
- b. Annotate CMN as the CAP Category
- c. Apply a yellow dot and give to the Distributor
- d. Annotate CIS Review as the CAP Category

**27. If Page 2, #1 is marked 'H2A':**

- a. Annotate CIS Review as the CAP Category
- b. Continue to page 18 to determine the CAP Category
- c. Apply a yellow dot and give to the Distributor
- d. Annotate the form as an 'H2A' in the annotation block

**28. If Page 2, #1 is blank:**

- a. Annotate CIS Review as the CAP Category
- b. Continue to page 18 to determine the CAP Category
- c. Apply a yellow dot and give to the Distributor
- d. Annotate the form as an 'H2A' in the annotation block

## Knowledge Review

---

29. **If you receive an I-907 with an I-129, how should you handle the document?**
- a. Move the I-907 to the top
  - b. Fold the I-907
  - c. Do not move the I-907 petition to the top
  - d. both B and C
30. **If a package is required to have a yellow dot applied to it, where should it be located on the envelope?**
- a. Near the sender block
  - b. Covering the addressee block
  - c. Near the addressee block

# Revision History

(b)(6)

Revision History											
Version #	<b>01</b>	Date Reviewed	<b>3/21/12</b>	Date Released		Date Approved		Change Made By		Changes Approved By	
Description of Change:											
Version #		Date Reviewed		Date Released		Date Approved		Changes Made By		Changes Approved By	

# TOOLS NEEDED BY Trainer

---

## ~ IPR Training Roster

### Supply Box

Letter opener

Black pens

Stapler remover

Date stamp

Tape & dispenser

Scissors

Rubber finger

Endorsement stamp

Ink pad

Ink

Box cutter

Stapler

Rubber bands

Staples

# TOOLS NEEDED BY SUPERVISOR

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~ Copies of:

I-129, I-907, I-539, I-102, I-765 & I-824

- H1B CAP Guidelines
- I-129 packet
- IPR
- Shipping label identification Sheet

**I-129 CAP**  
**CIS REVIEW CHECK LIST**

- 1- Page 1:
- Missing Name of Company; or petitioner's name.
  - Foreign Address: Send to review.
  - Missing/Incomplete address.
- 2- Page 2:
- #2: Blank or Multiple boxes is marked.
  - #4: Blank or Multiple boxes is marked.
  - #5: More than one beneficiaries listed.
- 3- Page 3:
- Missing beneficiary information.
  - COB/COC is Chile/Singapore.
- 4- Page 4:
- Part 5, #3: Blank or multiple Jurisdictions and address in part 1 is the same the Attorney's address on G-28.
- 5- Page 5:
- #10: Date of intended employment is blank.
- 6- **Master CAP:** Address in part C #2d is blank and part A #2 is marked g; h or i.
- 7- Page 18 part B, #9 - the box marked/blank does not match the fee that is submitted.
- 8- Page 19, Part C #1 is no box marked.
- 9- Page 17, Part B one or more boxes is marked "Yes" but ACWIA Fee is submitted.
- 10- Page 17, part A #1e both boxes are blank or one box is marked only.
- 11- Page 18 & 19 #3 one or more boxes is/are marked.
- 12- Others: \_\_\_\_\_

**I-907**  
**CIS REVIEW CHECK LIST**

- 1- Page 1, part 2:
- Number 2 has a receipt number.
  - Number \_\_\_\_ Missing.
  - Number \_\_\_\_ Not match
  - Number 4: the petitioner is not match with the CO's name in page 1, part 1
  - Number 5: the beneficiary information is not match with I-129 page 3.

Clerk ID# \_\_\_\_\_

Date: \_\_\_\_\_

2- Others: \_\_\_\_\_

**I-539**  
**CIS REVIEW CHECK LIST**

- 1- **Part1:**
- Part 1: Application name is the same with I-129's bene's name.
- 2- **Part 2:**
- #1: b is marked and missing status.
  - #2: a is marked with additional dependent or b is marked with no additional dependent.
- 3- **Part 3: #4 name not match with petitioner & beneficiary of I-129.**
- 4- **Others:** \_\_\_\_\_

**CIS REVIEW RESPONSE:**

**Comments:**

Ok To Process.

Reject.

Other.



Bringing Solutions Through People and Processes

LongView-FedConsulting JV

**U.S. Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services (USCIS)  
Service Center Operations Support Services (SCOSS)**

## **CSC FY 2015 H-1B CAP**

### **Plan of Action**

**March 17, 2014**

#### **Prepared For:**

Department of Homeland Security (DHS)  
U.S. Citizenship & Immigration Services (USCIS)  
20 Massachusetts Avenue  
Washington DC 20001

#### **Prepared by:**

CSC SCOSS Management  
Longview – Fedconsulting JV  
602 South King Street, Suite 102  
Leesburg, VA 20175  
(703) 443-1888



## 1. INTRODUCTION

The FY 2015 H-1B CAP Plan provides an overview of the project, a list of deliverables, and the resources required for use throughout the Life Cycle of the project. Commencing April 1, 2014 and continuing through May 5, 2015, Longview - FedConsulting JV (LVFCJV) will receive and process all new I-129 H-1B CAP petitions including cases falling under the H-1B CAP exemption for foreign nationals holding advanced degrees from U.S. universities.

Currently, USCIS will accept and process the first 75,000 I-129 H-1B and 25,000 I-129 H-1B Masters CAP petitions received at both the Vermont and California Service Centers. If the two centers receive more than 75,000 regular and 25,000 Masters petitions combined, within the first five business days, then a Random Number Generator (RNG) program will be used to select the first 75,000 regular and 25,000 Masters petitions. Both standard and advanced degree H-1B cases with employment start dates in FY 2015 (beginning October 1, 2014) may be filed up to six months before the date that the prospective employee is to begin work. For example, where employment is to begin on October 1, 2014, an H-1B petition may be filed as early as April 1, 2014. All normal receipts and processing of 'Non-Cap' incoming mail is considered out of the scope of this project, as it is considered part of 'normal everyday duties'. However, CAP resource allocations are typically made at the expense of staff normally assigned to daily processing and, as a result, affect our ability to maintain time compliance in all areas.

Standard H-1B cases filed beginning April 1, 2014 will count against the overall FY 2015 H-1B CAP, however, the standard H-1B CAP is reduced by the U.S.-Chile and U.S.-Singapore Free Trade Agreements (FTAs), which set aside a certain amount of H-1B numbers for professionals from those two countries each fiscal year. In practical terms, only just a certain amount for H-1B will be available in the standard H-1B pool for FY 2015, though some unused FTA Visas from FY 2014 may be recaptured and later made available for FY 2015 employment. Advanced-degree cases will count against the additional H-1B numbers made available pursuant to the provisions of the H-1B Visa Reform Act.

## 2. GOALS

To develop a Plan of Action (POA) that will allow the CSC SCOSS team to continue to process normal delivery of USCIS applications in addition to H-1B CAP with minimal disruption of Performance Work Standards (PWS).

The following are the preliminary goals of this project:

- To develop a POA that will allow the CSC SCOSS team to process the FY 2015 H-1B CAP in the most efficient and effective manner.
- To conduct same day presort/storage of all H-1B CAP cases.
- To be ready to implement Lottery Pulls and keying of the Premium Processing CAP cases as soon as the afternoon of April 14, 2014.
- To provide accurate numbers and feedback to USCIS in a timely manner.

## 3. ASSUMPTIONS



The following are assumptions that are being used to generate our current plans:

(b)(4)

[Redacted]

- The HIB CAP will be met by the end of the five day CAP window of April 1, 2014 through April 7, 2014 and a Lottery will be required.

(b)(4)

[Redacted]

- Non-CAP premium filings will be prioritized to keep the oldest date current.

▶ Mailroom

- A late run will be added to the USPS mail run schedule on April 7, 2014 to ensure that all CAP mail is picked up prior to USPS closing.
- If mail is available at USPS before noon on Saturday April 5, 2014, a postal run will be made to pick up the mail that day.

(b)(4)

[Redacted]

- CAP cases will be sorted into four categories:
  - CRN – CAP Regular Non-Premium
  - CRP – CAP Regular Premium
  - CMN – CAP Master Non-Premium
  - CMP – CAP Master Premium
- The CAP sort criteria above will be utilized for training purposes.

▶ Lottery

- It is assumed that the FY 2015 CAP will require a Lottery. All filings received during the CAP Lottery Window of April 1, 2014 through April 7, 2014 will need to be prepared for Lottery selection by April 13, 2014.
- On April 13, 2014, the CAP NFTS RPC ranges will be provided for USCIS review and routing to HQ for RNG list generation.
- USCIS will do a duplicate search between the two centers after all filings are keyed and rejects are in the CRIS database.
- A Random Number Generator (RNG) pull list will be provided by USCIS on Monday, April 14, 2014. These filings will be pulled and staged for keying.
- We will report all cases as pending in Data Entry until we have keyed the selected files and are instructed to reject the non-selects.



- Non-selected lottery participants will be rejected and do not require ROP assembly.

▶ Data Entry

- A search will be conducted for any overlooked Premium Petitions beginning on April 9, 2014 and will be completed no later than two days prior to the end of the 15-day Premium Processing period.
- Based upon the 90,000 CAP forecast with a 25% premium percentage [redacted] are expected to be Premium Processing CAP cases.
- Data Entry (b)(4)
  - CAP Premium Petitions will be data entered once CPAU has given us approval to begin, which is anticipated to be April 14, 2014 at a planned rate of [redacted] cases per day.
  - The "received date" to be entered into Claims will be the date announced by CPAU. The actual "mail" received date will be stamped on the envelope and petition.
  - Data Entry will key three letter designators, "MAS" for Masters Qualified Visas and "REG" for the Regular Qualified Visas, in the Part 2, data field one "Prior Petition or Application" instead of what is written on the petition.
  - Starting on April 14, 2014 and until all premium cases are completed we will not run screen prints for regular I-129 Premium Processing or CAP Premium Processing cases so they can get to adjudications as quickly as possible.

▶ Rejects

- Any CAP cases received before April 1, 2014, will be rejected the day they are received to give the applicant time to resubmit within the CAP lottery window.
- CAP filings that are determined unacceptable will be processed as a rejected case. Rejects will be held for the duplicate comparison completed after the CAP winner keying phase.
- Petitions filed at CSC by beneficiaries from Chile or Singapore will be forwarded to VSC for processing, not rejected.
- Updated CAP Reject Letters will be provided by CPAU to include with the filings that are determined unacceptable, to address filings that were not selected for this year's CAP and for late filings.
- If there is a lottery, not selected cases will be held until keying is complete and instruction to reject has been provided by USCIS.
- If there is not a lottery, rejects will be processed on the day they are received.
- All CAP rejects will be manually rejected.
- For reporting purposes, filings that were included as a CAP case but then were later determined to be a non-CAP I-129 will be counted (not processed) as a CAP Reject. Re-categorized cases (premium to non-premium or master to regular, etc.) will not be counted as a CAP Reject.

▶ Fee Deposit

(b)(4)

- [redacted]
- A contingency plan specific to reverting to manual deposit procedures will be built and ready for implementation by April 1, 2014.



▶ Contract & Billing (b)(4)

- "Out of Scope" tasks, listed in the CAP CLIN Creation section of the plan, and PR waiver requests are similar to last year and are listed in Sections 8 and 9. These lists have been submitted to USCIS for approval [redacted]

4. FACILITIES

- ▶ Presort Room – This room is located on the second floor at the CSC, which will be used for FY 2015 [redacted]

- ▶ Security Guards – From April 1, 2014 through April 4, 2014 and April 7, 2014 [redacted]

On April 5, 2014, we will be making a USPS mail pickup and a security guard will be needed at the second floor scanner from 11:30 AM until 1:30 PM.

- ▶ NARA room – This room is located on the first floor at the CSC [redacted]

- ▶ B2 room – This room is adjacent to the NARA room on the first floor at CSC and it will be used as [redacted]

- ▶ First floor Loading Dock – The large loading dock on the first floor will be the primary delivery point [redacted]

- ▶ Second Floor Loading Dock – The dock just outside the second floor mailroom will be used as the [redacted]



Bringing Solutions Through People and Processes

# LongView-FedConsulting JV

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

▶ Maintenance Service - [Redacted]

[Redacted]

(b)(4) ▶ [Redacted]

## 5. EQUIPMENT & SUPPLIES



The following is a list of equipment and supplies that will be used during CAP; these supplies will be needed in the NARA room on March 20, 2014:

SUPPLIES & EQUIPMENT REQUESTED FROM USCIS		
ITEM	QUANTITY	COMMENTS
Acco Fastener - Acco Fastener w/ Compressors 2"	1.5 Pallet	
Acco Fastener - Acco Fastener w/ Compressors 2-3/4" x 4"	1 Case	
Bar Code - Bar Code Labels	1.5 Pallet	
Bar Code - Bar Code Ribbons	1 Pallet	
Box - Packing Box (Brown) 15 x 12 x 10	12 Pallets	6,000 units
Chairs	450	
Copy Paper - 5 COLORS - Yellow, Pink, Green, Blue & Lavender	10 Reams	10 reams of each
Copy Paper - Goldenrod	1 Case	
Copy Paper - Orchid	20 Cases	
Copy Paper - White	1 Pallet	
Date, stamps, Impression size #1	170	UVX4011
Ink, Pad 2-3/4" x 4-1/4" Foam Pad	120	7510-00-526-1742
Ink, Stamp Pad, Black (refill)	60	7510-00-161-4237
Envelope - Kraft Envelope - 10 x 15	15 Cases	
Envelope - Kraft Envelope - 12 x 16	4 Cases	



Bringing Solutions Through People and Processes

LongView-FedConsulting JV

Service Center Operations Support Services  
 Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

SUPPLIES & EQUIPMENT REQUESTED FROM USCIS		
ITEM	QUANTITY	COMMENTS
Envelope - Kraft Envelope - 9-1/2 x 12	6 Cases	
Envelope - White Envelopes (no window)	5 Cases	
File Folders - Blue (MASTERS CAP)	30 cases	15,000 folders (150 boxes)
File Folders - Brown	18 cases	9,000 folders (90 boxes)
File Folders - Burgundy (PREMIUM CAP)	28 cases	14,000 folders (140 boxes)
File Folders - Green (REG CAP)	110 cases	55,000 folders (550 boxes)
File Folders - Yellow (PP MASTERS CAP)	20 cases	10,000 folders (100 boxes)
Gloves - Latex Gloves (LG)	3 Boxes	
Gloves - Latex Gloves (M)	3 Boxes	
Ink, refill for self-inking Black	24	1 per distributor
Knife, Craftsman	24	1 per distributor
Letter Opener	80	
Ribbon - Slip Printer Ribbon Ink	150 ct.	
Ribbon - Time Date Stamp Ink	100 ct.	
Pallet Jack	3	All three down in the CAP rooms
Pallet Shrink Wrap	1 Box	4 ct.
Pallets	200 units	Placed at first floor loading dock pallet area by compactor
Pen, Ball Point, Med, Black 12/BX	45 Boxes	
Rubber Band, Oversized 7" x 16" x 1/8"	175 Boxes	
Rubber Band, size 33, 1/8" x 3-1/2"	115 Boxes	
Scissors	45	
Staple Removers	230	
Staplers - Desk Staplers	210	
Staples, standard	90	
Marker, Felt Broad-tip "Black"	2 boxes	24 markers
Marker, Felt Broad-tip "Red"	2 boxes	24 markers
Marker, Felt Fine-tip "Red"	6 boxes	72 markers
Table - standard 72"W X 30"W	103	103 through 4/18/14; 50 through 5/9/14
Table - heavy duty (500lbs) 72"W X 30"W	30	through 4/11/14
Tape Gummed 3" wide	5 boxes	50 rolls
Tape - Medium Desk Tape Dispenser	90	
Tape - Pressure 3/4" (scotch regular)	180 ct.	
Paper 2-hole punch Desk	200 ct.	
Endorsement stamps	90	
PSI M9108 date/time stamp (self-inking)	50	
Marsh Tape Dispensers	3	
CSC Yellow buckets	500	This is above and beyond the 6 pallets supply has downstairs



Bringing Solutions Through People and Processes

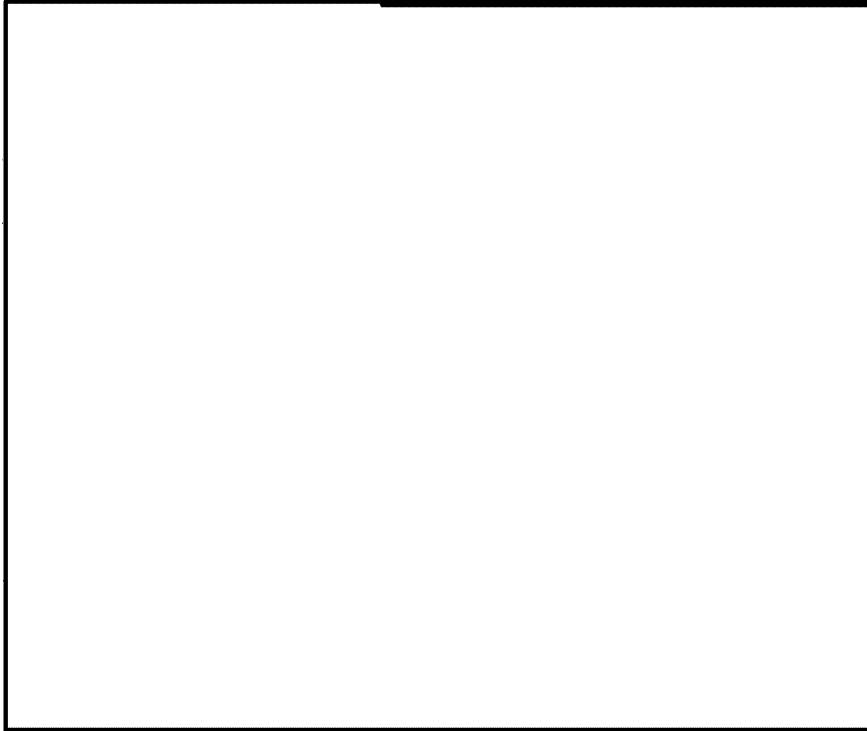
# LongView-FedConsulting JV

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

## 6. STAFFING DETAILS

(b)(4)

Total contracting personnel on April 1, 2014



The table below is an assumption of how many FTEs will be assigned towards CAP.

Date	Total Needed	Mail/Lottery	File Set-Up	Data Entry	Deposit
------	--------------	--------------	-------------	------------	---------

(b)(4)

(b)(4)

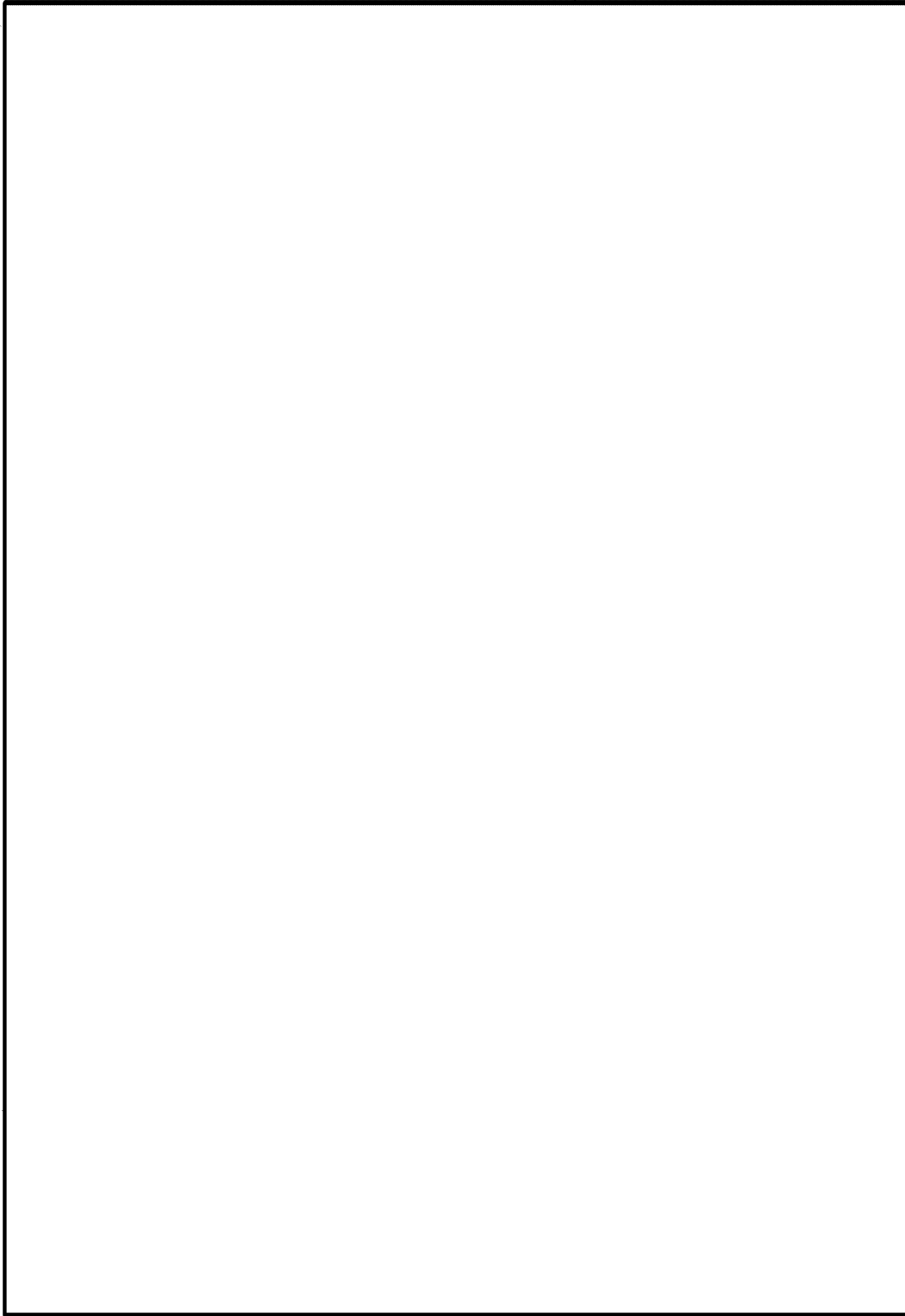


Bringing Solutions Through People and Processes

LongView-FedConsulting JV

Service Center Operations Support Services

Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016





Bringing Solutions Through People and Processes

# LongView-FedConsulting JV

(b)(4)

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

▶ Overtime

Overtime Hours

CAP Phase	Week Ending	# of Clerks	# of hours	Total	Staff Breakdown

(b)(4)

(b)(4)



Bringing Solutions Through People and Processes

LongView-FedConsulting JV

Service Center Operations Support Services

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**7. TRAINING**



Training Hours					
Process	Date Range	# of Clerks	Time	Total	Description
[Redacted Content]					

(b)(4)

This report contains Proprietary information not to be disclosed outside the Government without authorization from LongView-FedConsulting JV.

Revision March 17, 2014



Bringing Solutions Through People and Processes

# LongView-FedConsulting JV

(b)(4)

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

Training Hours					
Process	Date Range	# of Clerks	Time	Total	Description
(b)(4)					

## 8. PERFORMANCE REQUIREMENTS RELIEF

(b)(4)
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### ▶ General Requirements (b)(4)

PR	Requirement	PR Granted Until
4.1.12	The Contractor shall maintain the capability to accommodate spikes in workload volumes that occur from time to time and that are predicted at least 45 calendar days in advance of the anticipated sudden increase in workload volumes. These spikes may be attributable to the beginning of an application period, anticipated changes in fees to be charged, or other phenomena.	04/30/14*
4.1.13	The Contractor shall maintain the capability to accommodate surges in data collection volume of up to 25% above the daily average received for the previous twenty business days. In the event the data collection volume exceeds 125% of the rolling daily average for the previous twenty business days, the Contractor is only held responsible for meeting the timeliness performance requirements for 125% of the rolling daily average; the balance may be processed on the next business day and may be considered – for the purposes of surge management only – as part of the data collection for the next day. If the surge extends beyond one day, then the Contractor shall continue to perform under the same rule for as long as the surge lasts, recalculating the rolling daily average data collection volume and the 125% volume each day based on the previous twenty business days.	04/30/14*
4.1.14	On Mondays and the first business day after federal holidays, the Contractor shall maintain the capability to accommodate surges in data collection of up to 50% above the daily average received	04/30/14*



Bringing Solutions Through People and Processes

# LongView-FedConsulting JV

Service Center Operations Support Services

Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

PR	Requirement	PR Granted Until
	volume for the previous twenty business days. In the event the data collection volume exceeds 150% of the rolling daily average for the previous twenty business days, the Contractor is only held responsible for meeting the timeliness performance requirements for 150% of the rolling daily average; the balance may be processed on the next business day and may be considered – for the purposes of surge management only – as part of the data collection for the next day.	

### ▶ Mail Room Operations (b)(4)



PR	Requirement	PR Granted Until
4.2.5	All mail (excluding certain exceptions) shall be opened, sorted, date stamped, properly handled, and timely processed and routed by the Contractor, in the assigned mail area.	04/30/14*
4.2.8	Outgoing Mail is metered by the daily scheduled time for the presort contractor	04/30/14*

### ▶ Data Entry Operations



PR	Requirement	PR Granted Until
4.3.2	The Contractor shall review applications/petitions and supporting documents for completeness, jurisdiction, signature, and correct fee, and process those compliant and non-compliant applications/petitions.	04/30/14*
4.3.3	The Contractor shall collect information from forms and source documents and accurately input data into various formatted screens within established processing timeframes. Accuracy is defined as no data entry errors on the entire form or document.	04/30/14*
4.3.5	The Contractor shall generate and interfile screen prints as required.	04/30/14*
4.3.6	The Contractor shall accurately scan materials and, as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for document production.	04/30/14*
4.3.7	The Contractor shall scan, process, and verify fingerprint cards (FD-258) for submission to the FBI.	04/30/14*
4.3.8	The Contractor shall create files during data collection.	04/30/14*
4.3.9	The Contractor shall accurately process manually rejected applications and petitions within established timeframes.	04/30/14*
4.4.1	The Contractor shall review receipted fees for acceptability and ensure the fee is endorsed in accordance with the Treasury Financial Manual	04/30/14*
4.4.2	The daily deposit is completed prior to the depository pick up time.	04/30/14*
4.4.3	The contractor shall submit a report showing individual clerk and individual system deposit totals to USCIS on a daily basis or as required.	04/30/14*



► File Room Operations

The File Room will assist with Mail Operations, as well as man the gunner (Dolphin) teams, and the storing of CAP files. Lottery and duplicate pulls, sorting, staging, reporting, and box/pallet maintenance will be completed by the File Room team.

It is anticipated that all File Room functions will be affected by CAP. [Redacted]

(b)(4)

PR	Requirement	PR Granted Until
4.5.1	The Contractor shall create files when requested during file operations.	04/30/14*
4.5.2	The Contractor shall accurately request required files from external sources such as other centers, district offices, the NRC, etc. within established timeframes.	04/30/14*
4.5.3	The Contractor shall fulfill internal (within the service center) and external (originating from other centers, district offices, the NRC, etc.) file requests for information by identifying, locating, retrieving and delivering the correct file(s) within the established timeframes.	04/30/14*
4.5.5	The Contractor shall file and re-file records.	04/30/14*
4.5.6	The Contractor shall track and update files in NFTS upon movement or as requested by USCIS. The Contractor shall accurately update data in various USCIS systems (C3, C4, etc.).	04/30/14*
4.5.8	The Contractor shall accurately consolidate files physically and electronically within established timeframes.	04/30/14*
4.5.9	The Contractor maintains a tracking progress for files held in temporary holding areas. The Contractor moves files maintained in the temporary holding areas to the next stage of the process, when required.	04/30/14*
4.5.10	The Contractor shall accurately interfile, connect, and route correspondence or RFE with corresponding file(s) and update systems within established timeframes.	04/30/14*
4.5.14	The Contractor shall perform system queries and searches in USCIS systems, and places a screen print(s) of the search result(s) in the file, when required.	04/30/14*
4.5.15	The Contractor shall accurately scan materials and, as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for document production.	04/30/14*
4.5.16	The Contractor shall correctly assemble E-filed applications and petitions into files. (No waiver for I-907 Upgrade)	04/30/14*
4.5.18	The Contractor shall pick up, continuously sort, and deliver for internal distribution printouts and files between mail stops within the service center as established by the COTR. The Contractor picks up mail, printouts, and files no less than twice daily as scheduled by the COTR.	04/30/14*
4.5.19	The Contractor shall photocopy application and petition-related documents when required.	04/30/14*
4.5.21	The Contractor shall accurately create I-512 documents within established timeframes.	04/30/14*
4.5.22	The Contractor shall process documents received from district, port of entry, or consulate offices.	04/30/14*

9. CAP CLIN's



(b)(4)

The following lines are currently available in [redacted] and will be used for FY 2015 CAP:

Task Name	Description
CAP Sort	Initial Sort & routing packages to a presort staging area based on the CAP petition designations on the packages. Sorting of CAP cases into drop off points for folder and boxing after presort is complete. Distributor sorting of mail for CIS Review, CAP sort and Regular work drop offs. These sorts are not performed for normal daily petition processing.
CAP Courier	Transportation of mail or files beyond the two USPS trips that are potentially or specifically CAP related.
CAP Box Prep	Box preparation for files created for the CAP. These will be used for the scanner team to locate lottery winners and for ease of maintaining files & counts.
CAP Dock Team	Loading of bags of mail into cages or on pallets for transportation to the scanners. Loading of these packages into the scanner and then removal from the scanner. These bags/boxes will be re-loaded into cages or pallets and staged for transport to the 1st sort team.
CAP File Audit	Dolphin Team - Secondary audit of the boxes with lottery filings or buckets used during the lottery or duplicate pull.
CAP File Labeling	Labeling of the file folders with the lottery labels for the RNG.
CAP Folder and Box	Verification of the CAP category, placing of cases into folder and then a box.
CAP Matrix Review	Review of the I-129 to determine whether it is a CAP case and if so, what category it falls into.
CAP Premium Review	Searching through non-selected cases for possible premium filings that we may have identified as regular prior to day 15. This will result in SCOSS having to review and touch all the filings again to identify and pull out premium cases that may have been missed.
CAP Refile	Dolphin Team - Tracking the barcode numbers. After sort has been completed refilers charge all files to their box. This line will also be used for any electronic movement of the lottery files required during the lottery or duplicate pulls.
CAP Runner	If needed, a clerk who will go between the NARA room and Dolphin upload station near CSD (regular contracting area).
CAP Searches	File searches will be conducted by members of the Pick team as requested as needed to complete the project.
CAP Training	Training of clerks on processes associated with CAP operations
CAP Verification	If there is not a lottery, after the CAP 5 day window expires, identification of CAP cases. CAP Lottery number assignment and folder connection/staging will continue and reported on this line.
CAP Reporting	Review and generation of CAP related reports.
CAP Prep Work	CAP room setup, modification, and maintenance; may include other CAP specific activity requested by USCIS that is not already assigned a task line.
CAP File Acceptability	This task is to be used to charge time spent assessing the acceptability of a CAP file prior to rejection or submission to CIS review.
CAP Pallet Work	This line will track time spent building, maintaining and moving the pallets of boxes with lottery filings.

### 10. TASKS

The following are the tasks that will be performed during CAP.

- Cap Preparation
  - Box Creation
  - File Jacket Labeling



- Room setup and other preparation
- Loading Dock and Courier Operations
  - Pallet jack team
- 1st Sort Operations
- Presort Operations
  - Envelope Review and Mail Security
  - CAP Matrix Review
  - Distributors
- Folder and Box / Gunner (Dolphin) Team
  - Pallet building/staging
- Lottery Pull Team
- Premium File Review
- Data Entry and Fee Receipting Operations
  - File Assembly only – Front End (4/1 through 4/13)
  - File Acceptability and Keying
  - File Assembly only – Back End (4/14 through 5/5)
  - Distributors (Keying and File Assembly)
- Deposit Room Team
- CAP Rejects
  - Selects
  - Non-selects
- Duplicate Pull Team
- Mail Metering Operations

▶ CAP Mail/File Operations

CAP work will be received primarily on the first floor loading dock however the second floor loading dock will be utilized as a secondary location. Below is the process flow for the initial stages on the first floor:

- Dock teams will load mail into cages or stage it on pallets on the first floor outside of the NARA room and transport to the mail scanner.
- Courier teams will load the mail onto the scanners and deliver the mail to the first sort team. CAP work will be sorted as follows:
  - Regular work (non-CAP or I-129) to the regular presort teams.
  - CAP or I-129 to the CAP Package Review teams.
- The Dock team will take work that has been through first sort to the second floor Presort room for package review.
- CAP Package Review teams will review for the following:
  - Envelope review for "Do Not Open Mail" packages.
  - Review for suspicious materials within each package.
  - Re-package CAP cases into assigned buckets to be delivered to B2 room for further processing.
  - Sort premium(white buckets) versus non-premium packages(yellow buckets)
- Courier teams will load buckets reviewed by the package review team onto carts and transport them to the dock.



- Dock teams will load the buckets onto cages which will be loaded onto the delivery truck to be driven to the first floor.

CAP work that has already been screened for suspicious material, will be received on the first floor for further processing. Below is the process flow for the second stage of CAP on the first floor:

- Courier teams will unload the cages from the truck and deliver them to the B2 room.
- CAP Presort teams will complete the content review and annotation of each CAP package.
- Distributors will move work to designated drop off points based on annotations on each CAP package. The drop off points are:
  - CAP Sort – four sorts within this area for the four CAP categories.
  - CIS Review.
  - Regular Work.
- CAP Folder and Box teams will verify each package based on the annotation on each package prior to placing the appropriate CAP folder over the package. CAP Folder will then be placed in the appropriate box and pallet.
- Dolphin Team will then perform a physical and electronic count of CAP files within each box.
- Pallets of lottery ready filings will be staged in the NARA room.
- The NARA room will also be utilized to maintain any backlogs for the CAP presort room unit on the 2<sup>nd</sup> floor.
- The Lottery team will complete the pulling of files based on the RNG list provided by USCIS and stage them for Data Entry keying.
- Data Entry will request CAP Premium Processing Master's cases first when they begin keying.

## 11. CAP PHASES

The following are each phase of our CAP plan with a lottery:

- ▶ Initial Planning (January 2, 2014 to February 15, 2014)
- ▶ Preparation (February 4, 2014 to March 29, 2014)
- ▶ Execution (April 1, 2014 to May 5, 2014):
  - April 1, 2014 to April 7, 2014:
    - Slit-n-peek, bar-coding, boxing process completed for first five days of CAP receipts
    - Evaluate decision to preassemble and evaluate Premium Applications, if possible, to minimize delay due to PP clock
  - April 5, 2014
    - Assembly of premium CAP cases
    - CAP mailroom operations supplementation
  - April 14, 2014 (through April 16, 2014)
    - Receive the Lottery RNG list and complete the pulling and staging of files
    - Begin keying of CAP Premium filings(if instructed)
  - April 14, 2014 to April 19, 2014
    - Process all premium CAP "winner" filings received during the lottery window
    - Reduced daily processing of Data Entry regular operations continues.
    - Daily keying of all non-CAP premium and specified I-129 classifications received.
    - Complete premium file review on all non-premium CAP filings
  - April 20, 2014 to May 5, 2014:



- Process all non - premium CAP "winner" filings received during the lottery window
- Reduced daily processing of Data Entry regular operations continues.
- Daily keying of all non-CAP premium and specified I-129 classifications received.
- Begin keying of non-CAP I-129s and other form types in prioritization order.
- Post May 5, 2014:
  - If directed, pull additional CAP cases that were previously not selected for processing. (this may be done if the overall "winner" reject quantity is over 3,000 units)
  - Once directed, begin processing of CAP rejects.
  - Complete mailroom metering for all CAP rejects.
  - Continue to eliminate all operational backlogs.
- Backlogs back in compliance by no later than June 8, 2014

The following are each phase of our CAP plan without a lottery:

- ▶ Initial Planning (January 2, 2014 to February 15, 2014)
- ▶ Preparation (February 4, 2014 to March 29, 2014)
- ▶ Execution (April 1, 2014 to April 30, 2014):
  - April 1, 2014 to April 7, 2014:
    - Slit-n-peek, bar-coding, boxing process completed for first five days of CAP receipts
    - Evaluate decision to preassemble and evaluate Premium Applications, if possible, to minimize delay due to PP clock
  - April 5, 2014
    - Assembly of premium CAP cases
  - CAP mailroom operations supplementation (if needed) April 8, 2014 to April 16, 2014
    - Process all premium CAP filings beginning with oldest date
    - Reduced daily processing of Data Entry regular operations continues.
    - Daily keying of all non-CAP premium and specified I-129 classifications received.
    - Rejects will be completed daily as identified.
    - Complete premium file review on all non-premium CAP filings
    - Review all incoming I-129s for CAP cases; identify and stage all CAP cases by date and category.
  - April 17, 2014 to April 30, 2014:
    - Process all non - premium CAP filings beginning with the oldest date.
    - Reduced daily processing of Data Entry regular operations continues.
    - Daily keying of all non-CAP premium and specified I-129 classifications received.
    - Begin keying of non-CAP I-129s and other form types in prioritization order.
    - Rejects will be completed daily as identified.
    - Continue to eliminate all operational backlogs.
  - Backlogs back in compliance by no later than June 8, 2014

U.S. Department of Homeland Security

P. O. Box 10129

Laguna Niguel, CA 92607-1012



U.S. Citizenship  
and Immigration  
Services

RE:

Form No.: I-129 H1B Cap Petition

All H-1B cap-subject petitions received at the California or Vermont Service Centers on \_\_\_\_\_, were subject to a computer-generated random selection process. The enclosed H-1B petition has been rejected because it was not randomly selected for processing. Any associated filing fees are being returned along with the rejected petition.

If your petition is not subject to the cap and you believe it was erroneously rejected, please resubmit it, along with appropriate filing fee(s), and mark "Exempted" on the petition. You must establish that your H1-B petition is not subject to the cap.

Sincerely,

SERVICE CENTER DIRECTOR

U.S. Department of Homeland Security

P. O. Box 10129  
Laguna Niguel, CA 92607-1012



U.S. Citizenship  
and Immigration  
Services

Date: 2/4/2014

RE:

Form No.: I-129 H-1B Cap reject

All H1B cap-subject petitions received at the California or Vermont Service Centers on April 2 through April 6 2012, were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H1B cap for FY-'12 was closed on \_\_\_\_\_

1. \_\_\_ You submitted your I-129 H1B petition/H1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2. \_\_\_ You did not include the H1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3. \_\_\_ The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4. \_\_\_ Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5. \_\_\_ The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be
  - A. \$750.00 (ACWIA Fee for a company with 25 employees or less).
  - B. \$1,500.00 (ACWIA Fee for a company with 26 employees or more).
  - C. \$500.00 Fraud Prevention and Detection Fee.
  - D. \$320.00 I-129 base fee
  - E. \$2000.00 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H1B or L non immigrant status.
6. \_\_\_ The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
7. \_\_\_ Incomplete petition. Page(s) \_\_\_\_\_ missing. Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_, Part \_\_\_\_\_ Number \_\_\_\_\_ missing incorrect/missing information.
8. \_\_\_ Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.
9. \_\_\_ Your I-129 H1B1 Chile/Singapore cap petition may only be filed at Vermont Service Center.
11. \_\_\_ OTHER: \_\_\_\_\_

Sincerely,

SERVICE CENTER DIRECTOR

U.S. Department of Homeland Security

P. O. Box 10129

Laguna Niguel, CA 92607-1012



U.S. Citizenship  
and Immigration  
Services

RE:

Form No.: I-129 H1B Master Cap case

Dear Petitioner:

Your petition, supporting documents, and fees are being returned to you. Your petition has not been examined for legal sufficiency and/or required documents. Your petition is rejected for the following reason:

CIS received sufficient numbers of H1B petitions with and without US earned master's degrees or higher to reach the numerical limitation for FY 2013 prior to receiving your petition.

Petitions for new H1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization, or is a J-1 nonimmigrant alien who received a waiver of the 2 year foreign residency requirement under 214(l) (1) (B) or (C). If your petition was not subject to the numerical limitation and was rejected in error, please resubmit it, along with appropriate filing fees, and mark "exempted" on the petition. You must establish that your H1B petition is not subject to the cap.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the CIS Internet web-site at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

Reject letter #1 I-129 FY13Master cap\_Late Filed

[www.uscis.gov](http://www.uscis.gov)

U.S. Department of Homeland Security

P. O. Box 10129

Laguna Niguel, CA 92607-1012



U.S. Citizenship  
and Immigration  
Services

RE:

Form No.: I-129 H1B Cap Petition

Dear Petitioner:

The above petition and its supporting documents are attached. Your petition has not been examined for legal sufficiency and /or required documents. Your petition, supporting documents, and any fees are being returned to you for the following reason:

CIS received sufficient numbers of H1B petitions to reach the numerical limitation for FY 2013 prior to receiving your petition.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2014 cap, with a start date of October 1, 2013, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2013. Petitioners are reminded that petitions for H1-B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H1-B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization.

Information concerning CIS forms and filing instructions is available from the CIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the CIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

U.S. Department of Homeland Security

P.O. Box 10129  
Laguna Niguel, CA 92607-1012



U.S. Citizenship  
and Immigration  
Services

RE:

Form No.: I-129 Petition

Dear Petitioner:

**You requested an employment start date prior to October 1, 2013. CIS received sufficient numbers of H1B petitions to reach the numerical limitation for fiscal year 2013.**

Petitions for new H1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization, or is a J-1 nonimmigrant alien who received a waiver of the 2 year foreign residency requirement under 214(l) (1) (B) or (C). If your petition was not subject to the numerical limitation and was rejected in error, please resubmit it, along with appropriate filing fees, and mark "exempted" on the petition. You must establish that your H1B petition is not subject to the cap.

Information concerning CIS forms and filing instructions is available from the CIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the CIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

**Holt, Cynthia L**

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**From:** Benavente, Jessy J  
**Sent:** Thursday, February 13, 2014 9:01 AM  
**To:** Sua, Mike T  
**Subject:** FW: FY15 CAP Rejects Handling

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

fyi

---

**From:** Tamanaha, Emisa T  
**Sent:** Wednesday, February 12, 2014 9:06 PM  
**To:** Fries, Juliet M  
**Cc:** Lundquist, Lieda F; Benavente, Jessy J; Fierro, Joseph; Chong, Jenny; Baltaretu, Cristina G; Nicholson, Richard E  
**Subject:** FY15 CAP Rejects Handling

Hi Juliet,

Lauren of SCOPS wanted me to share our plan with regard to the duplicate handling, so I wanted to re-cap our discussion after yesterday's CAP call:

- Lieda is ordering stamps for the contractor to use on all CAP rejects.
- Contractor will be stamping every single page of the Form I-129 as well as the LCA and will annotate the date received with initial.
- If the reason for rejection is based on missing signature, contractor will circle the blank signature line and annotate "Signature Missing" right next to it.
- If the petitioner claims rejection was due to Service error after the CAP closes, they will need to provide the original pages of the Form I-129 and/or LCA bearing the contractor stamp and initial to prove.

Please confirm the above bullets and let me know if I missed anything. Once I hear from you, I will relay this to Lauren.

Thanks!  
Emisa

## Page 2

### Part 2 information about this petition

- ♦ # 1 Request Nonimmigrant Classification - This box needs to be filled out as H1B, 1B1 or H1B1.
  - ♦ If it is annotated with anything other than H1B, 1B1 or H1B1, annotate **NON CAP** on the package.
    - ♦ Annotate the classification from Page 2 Part 2 in the 'forms' block of the annotation crossbar. *See below examples.*
  - ♦ If no classification is identified (it's BLANK!) then annotate **CIS Review**.

## Page 18

### PART C, number 1

- ♦ If "a" is marked it is a **Regular** CAP case.
- ♦ If "b" is marked it is a **Master** CAP case.
- ♦ If "c" is marked it will be annotated as **CIS Review**.
- ♦ If "d" is marked it will be annotated as **NON CAP**.
- ♦ If it is blank annotate **CIS Review**

#### ❖ CAP category annotations:

- **CRN – Regular Non- Premium**
- **CMN – Master Non premium**
- **CRP - Regular Premium (907 included)**
- **CMP – Master Premium (907 included)**

#### ❖ Annotations:

##### Forms:

I-129  
I-539  
I-765  
I-102  
I-129PP

##### Annotations:

Classification – O, P, Q etc.  
539  
765  
102  
Classification – O PP, P PP, Q PP, etc.

**Examples:** O/539 or O/PP/539 or R/539 or R/PP/539

## CAP FY's 2015

### I129 ACCEPTABILITY CHECK LIST

**I-129 Total Required Pages:**

1-H1B needs pages 1-6

2-Supplement pages 11, 12, 17, 18, and 19

**\* If any of these are missing → Reject “Reject for missing page(s)”.**

**Steps**

- 1 - **Jurisdiction** → page 4, Part 5 # 3 “address where the person will work”-if not list or multiple addresses listed on page 4, look at page 1 Part 1 # 3e to determine jurisdiction by the petitioner. If address on page 1 is the same address as the attorney on the G-28, mark as “Review address in part 1 is the same with the attorney’s address”.

**\* If the state is belong to the VSC’s jurisdiction, then mark as “Reject for out of these jurisdiction”**

<b>CSC’s jurisdiction</b>	<b>VSC’s jurisdiction</b>
Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia and the District of Columbia

- 2 - **REQUIRED FEE**
- **Filing Fee: \$325.**
  - **Anti-Fraud Fee: \$500.**
  - **Border Patrol Security Fee: \$2,000.**
  - **Acwia Fee: \$750 or \$1,500.**
- 3 - **Revision Date** → Look for Revision Date on the **BOTTOM RIGHT** of the I-129 petition. The Revision Dates are: **11/23/2010, 01/19/2011 & 10/7/2011 only.** \* If wrong revision date mark as REJECT with a yellow sticky.
- 4 - **Date Stamp** → Upper right hand side of 1<sup>st</sup> page with receive date and clerk ID; **If a duplicate set of I129 is included, date stamp/ID both sets**

## VERIFICATION FOR ACCEPTANCE

- 5 - **Page 1- Review for Eligibility**
- **Part 1, # 2 & # 3 b; d; g:**  
Ensure that a name of company or an organization and a complete address have been provided. If name of company is blank, refer to # 1.  
If # 1 & 2 are blank and/or a foreign address is provided, mark the case as CIS Review using the CIS Review cover sheet.
- 6 - **Page 2**  
**part 2 #1: classification** → HIB or 1B1.  
If Blank check the supplement page 11 #4 or page 18 part C #1 for classification, if not found send to CIS review`
- 7 - **Page 2 #2: one box needs to be marked; if multiple boxes are marked send to Review with a CIS Review cover sheet.**
- **If A, or D, or E is marked=** need \$500 "Anti-Fraud Fee".  
\*If no \$500 submitted mark as REJECT.
- 8 #4: a or b has to be marked  
#5: Number of beneficiary list in #5 must be only 1 beneficiary. If more than 1 send to USCIS review.
- 9 - **BORDER PATROL SECURITY FEE (CBP)**
- \$2000 **is required** if:
    - Page 2 part 2 #2 boxes A, or D, or E is marked **and**
    - Page 17 part A #1e both boxes marked YES. If either box is part NO Fee is not required.
  - \* If file is marked as needing fee and no fee is submitted mark as REJECT with a yellow sticky.
- 10 - **Page 3**
- **Part 3: Beneficiary's Information**
  - Beneficiary has to be named.
    - #1i(COB) or #1 k (COC) is Chile or Singapore, mark as needing to be forwarded to CIS Review.
- 11 - **Date of Employment;**
- **Page 5, part 5, #10:** dates of intended employment must be on or after 10/1/2014. If listed dates are before 10/1/2014, mark as reject.

- 12 - **Page 6, Part 7-need original signature of the petitioner (page 1) and not signed by beneficiary.**
- o Original "X" or fingerprint → okay to accept
  - o if NO signature → mark as reject
- 13 - **Page 17 & 18, Part B #1-8=All must be marked NO. If any marked Yes, send to CIS Review.**
- Page 18:**
- o Part B, #9-if marked YES → \$750 required
  - o Part B, #9-if marked NO → \$1500 required
- NOTE:**
- o ACWIA FEE-needs to be paid by the PETITIONER/ATTY; if beneficiary paid, mark as reject
  - o If ACWIA FEE is incorrect and/or marking on file contradicts submitted fee → send to Review
  - o If ACWIA Fee is NOT submitted, mark as a Reject.
- 14 - **Page 18, Part C # 1 a or b is marked.**
- 15 - **Master Cap: Address if institution or higher education review**
- Page 18, Part C, # 2 d, if the address is not a US address, the filing needs to be switched to a regular CAP (CRP/CRN) filing. → Give to a Supervisor.
  - If the address field is blank, refer to Page 17, Part A #2
    - o If "a or b or c or d or e or f" is checked, it is a regular CAP case
    - o If "g or h or i" is checked, send the case to USCIS review
- 16 - **Page 18 & 19 Part C # 3 "a" through "I" must all be "Blank". If any box is marked, send to CIS review. (This is ONLY CAP cases.)**
- 17 - **REVIEW FOR LCA (ETA9035)**
- Ensure that HIB has a LCA, if missing, mark as reject.
- Review Page 4 of the LCA for a petitioner's signature
  - Review page 5 for the department of Labor official's signature and dates in the "This certification is valid from" and that it is "certified".
- \* Mark the filing as a reject if the LCA is:
- o not certified and/or
  - o missing the petitioner's or official's signatures or the certification dates on page 4 or 5 and/or
  - o missing pages 4 & 5,
- If the LCA is annotated in the "Case Status" field as "Partially Certified", send to CIS Review.

**NOTE:** COPIED Signature is acceptable.

**18 - DUPLICATE OF I-129**

- The second set of I-129 is to be assembled under the supporting documentation of the 1<sup>st</sup> set of the I-129. (Dog ear/fold first page of the 2<sup>nd</sup> copy)

**NOTE:-Concurrent filings-**The below filing maybe filed with the I129. Each filing is to be assembled into a separate brown folder and attached to the I-129. The I129 Form is \$325.00

- I907-\$1225 -- Premium Processing (included with the I-129 in a Purple folder for Regular and Yellow for Masters)
- I539-\$290
- I102-\$330
- I824-\$405
- I765-\$380

**CAP categories and colors:**

1. Regular CAP:
  - a. CRN:
    - ✓ Page 18 Part C # 1 a is marked
    - ✓ Assemble into Green folder
  - b. CRP:
    - ✓ I-907 form
    - ✓ Page 18 Part C # 1 a is marked
    - ✓ Assemble into Purple folder
2. Master CAP:
  - a. CMN:
    - ✓ Page 18 Part C # 1 b is marked.
    - ✓ Assemble into Blue folder
  - b. CMP:
    - ✓ I-907 form
    - ✓ Page 18 Part C # 1 b is marked.
    - ✓ Assemble into Yellow folder

U.S. Department of Homeland Security  
P. O. Box 10129  
Laguna Niguel, CA 92607-1012



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H1B Master CAP

Dear Petitioner,

Your petition, supporting documents, and fees are being returned to you. Your petition has not been examined for legal sufficiency and/or required documents. Your petition is rejected for the following reason:

**CIS received sufficient numbers of H1B petitions with and without US earned master's degrees or higher to reach the numerical limitation for FY15 prior to receiving your petition.**

Petitions for new H1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization, or is a J-1 nonimmigrant alien who received a waiver of the 2 year foreign residency requirement under 214(l) (1) (B) or (C). If your petition was not subject to the numerical limitation and was rejected in error, please resubmit it, along with appropriate filing fees, and mark "exempted" on the petition. You must establish that your H1B petition is not subject to the cap.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the CIS Internet web-site at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

ID# \_\_\_\_\_  
USCIS Conc. \_\_\_\_\_  
I-129 H1B Master CAP\_FY15\_Late Filed Reject Letter  
Rev 3/11/14

[www.uscis.gov](http://www.uscis.gov)

U.S. Department of Homeland Security  
P. O. Box 10129  
Laguna Niguel, CA 92607-1012



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H1B Cap Reject

Your petition, supporting documents, and fee are being returned to you. Your petition was returned for the following reason:

USCIS received sufficient numbers of H-1B petitions to reach the numerical limitation for FY 2015 prior to receiving your petition.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2016 cap, with a start date of October 1, 2015, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2015. Petitioners are reminded that petitions for H-1B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H-1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Mariana Islands are also exempt from the cap until December 31, 2014.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the USCIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

ID# \_\_\_\_\_  
USCIS Conc. \_\_\_\_\_  
I-129 H1B CAP\_FY15 Late Filed Reject Letter  
Rev 3/04/14

[www.uscis.gov](http://www.uscis.gov)

U.S. Department of Homeland Security  
P. O. Box 30111  
Laguna Niguel, CA 92607-0111



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H-1B Cap Reject

Your petition, supporting documents, and fee are being returned to you. Your petition was returned for the following reason:

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this timeframe; however, it was not among those randomly selected for processing.

If you wish to file a petition for classification on behalf of an H-1B nonimmigrant worker subject to the FY 2016 cap, with a start date of October 1, 2015, please submit a completed Form I-129 petition, with supporting documentation and fee, no earlier than April 1, 2015. Petitioners are reminded that petitions for H-1B classification may not be filed or approved more than six months prior to the requested employment start date. See 8 C.F.R. 214.2(h)(9)(i)(B).

USCIS also notes that petitions for new H-1B employment are not subject to the annual cap if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Mariana Islands are also exempt from the cap until December 31, 2014.

Information concerning USCIS forms and filing instructions is available from the USCIS Forms Request Line, 1-800-870-3676 (Toll Free), or on the USCIS internet website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,

SERVICE CENTER DIRECTOR

ID# \_\_\_\_\_  
USCIS Conc. \_\_\_\_\_  
I-129 H1B CAP RNG\_NON SELECT  
Rev. 2/19/14

[www.uscis.gov](http://www.uscis.gov)



U.S. Citizenship  
and Immigration  
Services

Date:

Form No: I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2014 to April 7, 2014 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY15 closed on April 7, 2014.

1. \_\_\_ You submitted your I-129 H-1B petition/H1B Data Collection and Filing Fee Exemption Form with an outdated version. USCIS may only accept Form I-129/H-1B Data Collection and Fee Exemption with a revision date of November 23, 2010 or later.
2. \_\_\_ You did not include the H-1B Data Collection and Filing Fee Exemption/H- Supplement/Labor Condition Application (LCA) with your I-129 petition.
3. \_\_\_ The Labor Condition Application (LCA) form you submitted with your I-129 petition is not certified.
4. \_\_\_ Your I-129 petition was signed by your representative and no evidence of such authority was provided.
5. \_\_\_ Your I-129 was not properly signed.
6. \_\_\_ The fee you submitted with your the I-129 petition was incorrect. The correct fee for your I-129 petition should be:
  - A. \$750.00 (ACWIA Fee for a company with 25 employees or less).
  - B. \$1,500.00 (ACWIA Fee for a company with 26 employees or more).
  - C. \$500.00 Fraud Prevention and Detection Fee.
  - D. \$325.00 I-129 base fee
  - E. \$2000.00 Public Law 111-230 for a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
7. \_\_\_ The ACWIA Fee must be paid by the petitioner or the representative and not by the beneficiary.
8. \_\_\_ Incomplete petition. Page(s) \_\_\_ missing. Part \_\_\_ Number \_\_\_\_, Part \_\_\_ Number \_\_\_\_, Part \_\_\_ Number \_\_\_\_, Part \_\_\_ Number \_\_\_ missing incorrect/missing information.
9. \_\_\_ Your I-129 petition subject to FY15 cap must not have an employment date earlier than 10/01/2014.
10. \_\_\_ Your I-129 petition must be filed with the Service Center that has jurisdiction over the place of temporary employment. If there are multiple work sites listed in the petition, the petition may be filed with the service center having jurisdiction over the petitioner's primary office location as listed on the Form I-129 petition.

ID# \_\_\_\_\_  
USCIS Conc. \_\_\_\_\_  
Rev 2-18-14 I-129 Reject Notice\_FY-15 cap winner rejects

[www.uscis.gov](http://www.uscis.gov)

11.  Your I-129 H-1B1 Chile/Singapore cap petition may only be filed at Vermont Service Center.

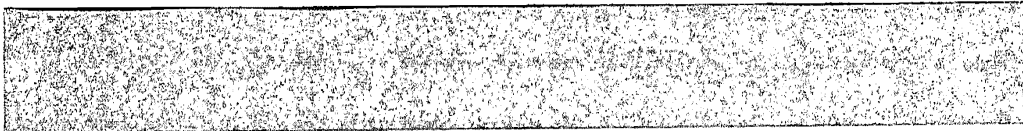
12.  OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

**SERVICE CENTER DIRECTOR**

ID# \_\_\_\_\_  
USCIS Conc. \_\_\_\_\_  
Rev 2-18-14 I-129 Reject Notice\_FY-15 cap winner rejects

[www.uscis.gov](http://www.uscis.gov)



**Holt, Cynthia L**

---

**From:** Fierro, Joseph  
**Sent:** Friday, April 25, 2014 10:16 AM  
**To:** Sua, Mike T; Baltaretu, Cristina G  
**Cc:** Lundquist, Lieda F; Antoine, Bennie R; Rodriguez, George E; Fernandez, Troy Q; Dequiroz, Perfida [redacted] (CTR); Chong, Jenny; Tamanaha, Emisa T; Fries, Juliet M (b)(6)  
**Subject:** RE: Updated Key Dates and Actions and Questions

No, it will not invalidate the LCA.

---

**From:** Sua, Mike T (b)(6)  
**Sent:** Thursday, April 24, 2014 5:26 PM  
**To:** Fierro, Joseph; Baltaretu, Cristina G  
**Cc:** Lundquist, Lieda F; Antoine, Bennie R; Rodriguez, George E; Fernandez, Troy Q; Dequiroz, Perfida [redacted] (CTR); Chong, Jenny; Tamanaha, Emisa T; Fries, Juliet M  
**Subject:** RE: Updated Key Dates and Actions and Questions

Joe & Cristina,

Please provide clarification to our question highlighted below.

Thanks,

*M. Sua*

Immigration Service Analyst  
USCIS | California Service Center  
☎: 949.389.3140

**WARNING:** This document is **FOR OFFICIAL USE ONLY (FOUO)**. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval from the originator.

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**From:** Sua, Mike T (b)(6)  
**Sent:** Friday, March 28, 2014 5:20 PM  
**To:** Fierro, Joseph; Baltaretu, Cristina G  
**Cc:** Lundquist, Lieda F; Antoine, Bennie R; Rodriguez, George E; Fernandez, Troy Q; Dequiroz, Perfida; [redacted] Chong, Jenny; Tamanaha, Emisa T; Fries, Juliet M  
**Subject:** FW: Updated Key Dates and Actions and Questions

Joe & Cristina,

Please review the guidelines listed below regarding the use of the two different CAP reject stamps. Please advise if you concur.

### CAP Rejects Stamps

The stamps will be used for CAP winners that fall under the following criterias:

- **"Received [date] CSC"** stamp will be used on rejected CAP cases with missing I-129 page(s) or LCA page(s). Prior to rejecting the case, all pages of the I-129 and/or LCA will be stamped on the lower right hand corner along with clerk's ID#.
- **"Missing Signature [date] CSC"** stamp will be used on rejected CAP cases when the required signature on the I-129 and/or the LCA is missing. The Contractor will circle the signature line in red and stamp on the lower right hand corner along with the clerk's ID#.

**\*Please clarify that if we stamp the LCA, will the LCA become invalid?**

Thanks,

*M. Sua*

Immigration Service Analyst

USCIS | California Service Center

☎: 949.389.3140

---

**From:** [redacted] (b)(6)  
**Sent:** Thursday, March 27, 2014 4:05 PM  
**To:** Lundquist, Lieda F; Sua, Mike T; Fernandez, Troy Q; Dequiroz, Perfida; Antoine, Bennie R; Rodriguez, George F; Hallam, Larry J; [redacted]  
**Subject:** Updated Key Dates and Actions and Questions

Here are updated documents. The only pending item for CPAU is the instructions for the two stamps (missing pages and missing signature).

[redacted]

Thank you,

Out-of-Scope

[redacted]

(b)(6)

Clerk ID# \_\_\_\_\_

Date: \_\_\_\_\_

# I-129 CAP

## REJECT CHECK LIST

- 1 - Employment Start Date before 10-1-14.
- 2 - Fee not required (BORDER PATROL SECURITY FEE; Extra Fee).
- 3 - **Missing Fee(s):** Filing Fee (\$325); Anti-Fraud Fee (\$500); Border Patrol Security Fee (\$2,000); Acwia Fee (\$750/\$1,500). Or incorrect fee; Wrong written amount.
- 4 - Jurisdiction.
- 5 - **Signature:** Missing or Copy Signature on page 6. Sign by beneficiary.
- 6 - Missing Application or Petition.
- 7 - Missing Page(s) \_\_\_\_\_
- 8 - Missing LCA; Missing LCA page(s) \_\_\_\_\_
- 9 - LCA Missing: Petitioner's signature / DOL Official's signature without CERTIFIED.
- 10 - Old Revision.
- 11 - Others: \_\_\_\_\_

Clerk ID# \_\_\_\_\_

Date: \_\_\_\_\_

## I-907 CAP REJECT CHECK LIST

- 1 - Old Revision.
- 2- **Fee:** Incorrect Fee; Missing Fee; Wrong written amount.
- 3- **Signature:** Missing or Copy Signature. Signed by Attorney with invalid G-28. Signed by beneficiary.
- 4- Others: \_\_\_\_\_

## I-539 CAP REJECT CHECK LIST

- 1 - Old Revision.
- 2- **Fee:** Incorrect Fee; Missing Fee; Wrong written amount.
- 3- **Signature:** Missing or Copy Signature. Not sign by applicant (Over 14 yrs old)
- 4- Others: \_\_\_\_\_

### I-129 HIB SOP

1. **Signature:** Review Page 6, Part 7 of the I-129 and verify that the petitioner has properly signed the petition. The signature has to be original. An 'X' or a thumbprint is also acceptable.
  - If the signature block on an accompanying G-28 does **NOT** identify that the signatory is a corporate attorney or corporate counsel, look for a power of attorney.
  - If a power of attorney is included, the signature is acceptable.
  - If a power of attorney is not included, the signature is unacceptable.
2. **Jurisdiction:** Review Page 4, Part 5, #3. Look for the "address where the person(s) will work" and verify if the address is within the CSC's jurisdiction.
  - If the address is not specified, blank, foreign address, annotated as "same as Part 1", or multiple locations, look at the address on Page 1, Part 1, # 3 to determine the jurisdiction.

*Note: If the jurisdiction was determined by reviewing Page 1, Part 1, # 3 and the petition was submitted with a G-28 form, compare the petitioner's address on Page 1, Part 1, # 3 of the I-129 form to the attorney's address on G-28 form. If the petitioner's address is the same as the attorney's address; send to USCIS review.*

- *Any classification that is processed exclusively at CSC; you do not need to verify the petitioner's address on Page 1, Part 1, # 3 of the I-129 form with the attorney's address on the G-28 form (if the G-28 form was submitted).*

CSC's jurisdiction	VSC's jurisdiction
Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia and the District of Columbia

If a non-premium I-129 is submitted at CSC and is out of CSC's jurisdiction, forward the case to VSC. Reject and return I-129 premium cases to the petitioner or representative with instructions for proper filing.

When an I-129 HIB petition is returned from Vermont Service Center to the California Service Center, it is to be accepted regardless of the jurisdiction.

### I-129 OTHER SOP

3. **Signature:** Review Page 6, Part 7 of the I-129 for the signature and verify that the petitioner has properly signed the petition. The beneficiary can sign the I-129 for "E2" classification only if the beneficiary's name is the same as the petitioner. The signature has to be original. An 'X' or a thumbprint is also acceptable.
  - If the signature block on an accompanying G-28 does **NOT** identify that the signatory is a corporate attorney or corporate counsel, look for a power of attorney.
  - If a power of attorney is included, the signature is acceptable.
  - If a power of attorney is not included, the signature is unacceptable.

## Acceptability Review for I-129 CAP (FY 15)

### I-129:

#### Revision Date

Only I-129 form with the revision date of 11/23/10 or later on page 1 of the I-129 form is to be accepted. The I-129 petition is to be rejected if it has a revision date prior to 11/23/10. If the revision date information is missing on page 1 of the I-129 petition, send the case to USCIS review.

#### Jurisdiction:

Verify the I-129 H-1B CAP case for jurisdiction requirement as per current instructions.

If the I-129 H-1B cap is out of the Service Center jurisdiction, reject the CAP case.

### Page 3 - Part 3

#### Question #1

"A" - Beneficiary Name

> If all name fields are blank - reject as incomplete

"E" - Date of Birth

> If blank - send to USCIS for review

### Page 5 - Part 5

#### Question #10

Dates of Employment

> Must be 10/1/14 or later

> If pre 10/1/14 - reject

If blank or any information (ASAP) other than the date is listed - reject.

### Page 6 - Part 7

Signature Field

- > Signature anywhere in part 7 is acceptable
- > Signature must be the Petitioner
- > Power of Attorney (POA) letters are acceptable
- > Missing signature

## **I-129 H1B Data Collection Supplement –**

### **Part A**

#### **Question #1 e**

- > An additional fee of \$2,000 must be submitted if the petitioner responded “yes” to both questions in 1e of Part A.

### **Part B**

#### **Question #1 through #8**

- > Any question answered YES consider as a ACWIA Fee Exempt case
- > Any questions left blank – send to USCIS for review

#### **Question #9**

- > If marked NO = \$1,500 ACWIA fee is needed
- > If marked YES = \$750 ACWIA fee is needed
- > If fee that was submitted is inconsistent
  - > Verify I-129 petition, Part 5, Question #13

**If no LCA attached – reject petition**

#### **Signature Field**

- > Signature in Part K on Page 4

### **I-907 – Request for Premium:**

#### **Revision Date**

- > Date must be no earlier than 8/10/09

#### **Signature Field**

- > Signature anywhere in part 3 is acceptable
- > Signature is acceptable if signed per current SOP

### **FEES:**

- PART A, 1e - \$2,000 is required if both questions are answered "Yes"

Scenario #1		Scenario #2		Scenario #3		Scenario #4	
Base	\$325	Base	\$325	Base	\$325	Base	\$325
Fraud	\$500	Fraud	\$500	Fraud	\$500	Fraud	\$500
ACWIA	\$750	ACWIA	\$1,500	ACWIA	\$750	ACWIA	\$1,500
				Premium	\$1,225	Premium	\$1,225
<b>TOTAL:</b>	<b>\$1,575</b>	<b>TOTAL:</b>	<b>\$2,325</b>	<b>TOTAL:</b>	<b>\$2,800</b>	<b>TOTAL:</b>	<b>\$3,550</b>
*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000
<b>TOTAL:</b>	<b>\$3,575</b>	<b>TOTAL:</b>	<b>\$4,325</b>	<b>TOTAL:</b>	<b>\$4,800</b>	<b>TOTAL:</b>	<b>\$5,550</b>

**Holt, Cynthia L**

---

**From:** Doumani, Stephanie M  
**Sent:** Monday, November 10, 2014 2:56 PM  
**To:** Haskell, Alexandra P; Sweeney, Shelly A  
**Subject:** RE: H-1B Cap Scenarios - OCC  
**Attachments:** Cap Subject VS Cap Exempt Situations - CSC and VSC 6.7.docx

Hi Sasha,

I'm sorry, I'm just now getting to this email. Unfortunately, my email didn't work in Vancouver.

I went ahead and attached the most up-to-date version of the cap scenarios document to this email. It looks like the one initially attached was a dated version.

AAO, OCC, OP&S and BEST have extensively discussed and recirculated this document during past H-1B working group meetings prior to issuing the final document to the service centers. (The discussions began well before I started with SCOPS in November of 2013.) We also had conference calls and numerous email exchanges with the centers regarding any questions or suggested edits. Additionally, the centers were instructed to bring any cases that may cause confusion to our attention so that we may assist them.

(b)(5)



Just thought I would share my thoughts! ☺

Thanks,  
Stephanie

---

**From:** Haskell, Alexandra P  
**Sent:** Thursday, November 06, 2014 12:17 PM  
**To:** Sweeney, Shelly A; Doumani, Stephanie M  
**Subject:** FW: H-1B Cap Scenarios - OCC

Fyi....

**From:** Haskell, Alexandra P  
**Sent:** Thursday, November 06, 2014 11:17 AM  
**To:** Symons, Craig M  
**Subject:** RE: H-1B Cap Scenarios - OCC

Hi Craig,

I would be happy to and I can host the meeting in my office. How about meeting at 11:00? Will you need a call-in number as well?

Thanks,

Sasha

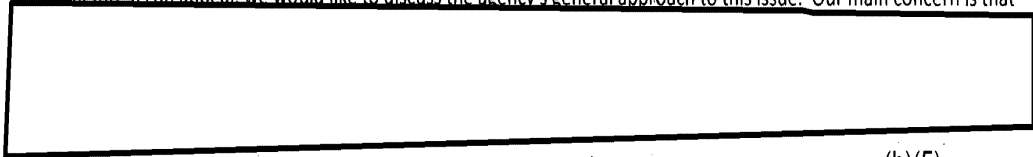
---

**From:** Symons, Craig M  
**Sent:** Thursday, November 06, 2014 10:54 AM  
**To:** Haskell, Alexandra P  
**Subject:** FW: H-1B Cap Scenarios - OCC

Hi Sasha,

Please see the attached. Would you have some time next week on the 13<sup>th</sup> to meet (either before or after our H-1B Working Group meeting)? As we do not have any space downtown, could you host? We can also do it by phone if that's easier – that day or on a different date. We're pretty flexible.

Basically, we want to discuss some of these cap scenarios. While we may not be able to talk about specific cases we have before us on appeal, we would like to discuss the agency's general approach to this issue. Our main concern is that



(b)(5)

- Craig

---

**From:** Bailey, Morgan  
**Sent:** Thursday, November 06, 2014 6:20 AM  
**To:** Symons, Craig M  
**Subject:** H-1B Cap Scenarios - OCC

Hi Craig,

The attachment is from our H-1B working group meeting in January 2014. OCC provided responses to SCOPS as to various scenarios of when a beneficiary should be and should not be counted toward the cap.

Thanks,  
Morgan

---

**From:** Viger, Steven W  
**Sent:** Thursday, January 09, 2014 10:41 AM  
**To:** Cummings, Kevin J; Parascandola, Ciro A; Oppenheim, Jennifer R; Dalal-Dheini, Sharvari P; Nakajima, Simon T; Bump, Micah N; Morgan, Carmen J; Sweeney, Shelly A; Aucoin, Lauren J; Symons, Craig M  
**Cc:** Renwick, William K; Bailey, Morgan; Doumani, Stephanie M  
**Subject:** H1B Working Group

All,

Here are some documents for today's meeting. Thanks.

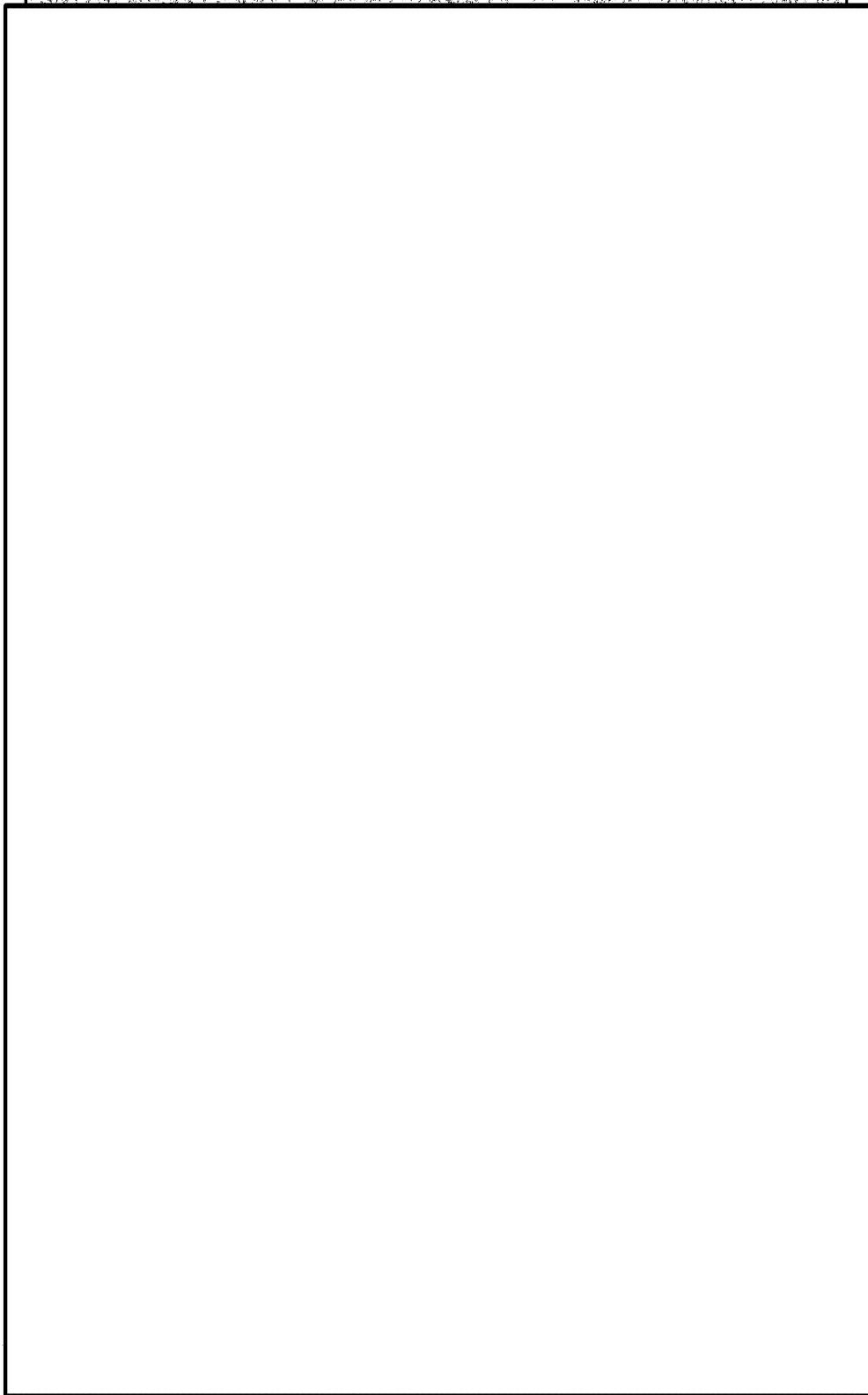
Steven Viger  
Adjudications Officer (Policy)  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services

Department of Homeland Security  
20 Massachusetts Ave., NW  
Washington, DC 20529  
P: (202) 272-8211  
F: (202) 272-8518  
[steven.w.viger@dhs.gov](mailto:steven.w.viger@dhs.gov)

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(b)(5)

Cap-Subject/Cap-Exempt Situations Document



(b)(5)

(b)(5)

(b)(5)

**Holt, Cynthia L**

---

**From:** McConnell, James E  
**Sent:** Monday, June 04, 2012 9:36 AM  
**To:** Liang, Gwen  
**Subject:** FW: FY13 H-1B Cap Count Update

Gwen,

Let's start to run the H1B cap report each day, starting tomorrow. Looks like we are getting close.

Thanks,  
Jim

=====  
James E. McConnell  
Branch Chief  
Business Analysis Branch  
Service Center Operations  
202-272-1073 - Voice  
202-272-1543 - FAX  
=====

---

**From:** Peck, Denis R  
**Sent:** Monday, June 04, 2012 10:18 AM  
**To:** Velarde, Barbara Q; McConnell, James E  
**Subject:** RE: FY13 H-1B Cap Count Update

If the true target of eligible petitions is 20,000 and 76,000, I *think* we are safe this week but no later than next Monday to be safe we should begin rack and stack. However we really need to watch the volume all this week, it could be a deluge hits us by Friday. These numbers once posted today will really draw attention I think.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

---

**From:** Velarde, Barbara Q  
**Sent:** Monday, June 04, 2012 10:14 AM  
**To:** Peck, Denis R; McConnell, James E  
**Subject:** FW: FY13 H-1B Cap Count Update

Any trend as far as increase to give us a sense when we need to get closer to "ready" to move into pre lottery mode?

---

**From:** Bolog, Marguerite M  
**Sent:** Monday, June 04, 2012 10:12 AM  
**To:** USCIS Exec Sec; Contaldi, Kerry T  
**Cc:** Velarde, Barbara Q; Lauver, Tinnina M; Wilcox, Julia D; McConnell, James E; Peck, Denis R; Sweeney, Shelly A; Bell, Lisa M  
**Subject:** RE: FY13 H-1B Cap Count Update

All—

Here are the latest figures for FY13 H-1B cap filings.

***FY 2013 H-1B Cap Count***

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000	55,600	06/01/2012
H-1B Master's Degree Exemption	20,000	18,700	06/01/2012

Please let me know if you have any questions.

Thank you,

--Mack

Marguerite (Mack) Bolog  
Adjudication Officer  
Business Employment Services Team  
USCIS Service Center Operations  
20 Massachusetts Avenue NW Suite 2008  
Washington DC 20529  
(202)272-1529

## Holt, Cynthia L

---

**From:** Peck, Denis R  
**Sent:** Friday, February 15, 2013 3:09 PM  
**To:** Liang, Gwen; McConnell, James E; Sweeney, Shelly A; Aucoin, Lauren  
**Subject:** FW: Processing all CAP rejects manually this year  
**Attachments:** Modified FY14 CSC-VSC Cap report.xls

Gwen, There you have it.

None of these will actually be returned until we get all the data entry completed. We'll set them aside; but they will record how many each day are identified.

So here is the contractor's reporting template with changes in the middle DE tab, only allowing a manual reject count and defining what counts as rejects so there is no confusion/discrepancy between the two centers.

Have a great weekend everyone ☺

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

---

**From:** Fries, Juliet M  
**Sent:** Friday, February 15, 2013 3:55 PM  
**To:** Peck, Denis R  
**Cc:** Loughlin, Stephen J  
**Subject:** RE: Processing all CAP rejects manually this year

Denis,  
No problem here. Our Contractors will manually reject during CAP.

Juliet M Fries  
Section Chief - Records/AST/RRU  
Operational Strategy  
California Service Center  
(949) 389-3120

---

**From:** Peck, Denis R  
**Sent:** Friday, February 15, 2013 11:13 AM  
**To:** Fries, Juliet M  
**Cc:** Loughlin, Stephen J  
**Subject:** Processing all CAP rejects manually this year

Juliet

I know CSC normally uses CLAIMS to process fee and signature rejections but to keep CISCORS clean and minimize the work our analyst had to do in querying, would it be asking too much for you to do them all via manual rejection this season? VSC does all theirs that way already.

This is just for CAP.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

**Holt, Cynthia L**

---

**From:** Sweeney, Shelly A  
**Sent:** Tuesday, June 12, 2012 11:01 AM  
**To:** Peck, Denis R; Loughlin, Stephen J; Nicholson, Richard E; Putnam, Anne F; Benavente, Jessy J  
**Cc:** Velarde, Barbara Q; Wilcox, Julia D; Lauver, Tinnina M; Fries, Juliet M; McConnell, James E; Bacote, Robert R; Liang, Gwen; Canney, Keith J; Shuttle, Peter J; Fierro, Joseph; Schoening, Donald; FitzGerald, Karen L  
**Subject:** H-1B Cap Met  
**Importance:** High

All,

Based upon our calculations here at HQ, we hit the cap yesterday. We will NOT need to run a random selection process on yesterday's receipts. You may begin data entry on yesterday's receipts. Since yesterday was the final receipt date, H-1B cap petitions received today will be rejected.

Thanks!

Shelly

---

**From:** Benavente, Jessy J  
**Sent:** Tuesday, June 12, 2012 9:15 AM  
**To:** Peck, Denis R; Loughlin, Stephen J; Putnam, Anne F; Nicholson, Richard E  
**Cc:** Sweeney, Shelly A; Bolog, Marguerite M; Fries, Juliet M  
**Subject:** RE: We have 3,510 CAP petitions from Monday's mail

Yes they are for CSC.

---

**From:** Loughlin, Stephen J  
**Sent:** Tuesday, June 12, 2012 9:15 AM  
**To:** Peck, Denis R; Putnam, Anne F; Nicholson, Richard E; Benavente, Jessy J  
**Cc:** Sweeney, Shelly A; Bolog, Marguerite M  
**Subject:** Re: We have 3,510 CAP petitions from Monday's mail

VSC - 2104 is correct

Stephen J Loughlin  
Assistant Center Director, COTR  
VSC, USCIS, DHS

---

**From:** Peck, Denis R  
**Sent:** Tuesday, June 12, 2012 6:13 AM  
**To:** Loughlin, Stephen J; Putnam, Anne F; Nicholson, Richard E; Benavente, Jessy J  
**Cc:** Sweeney, Shelly A; Bolog, Marguerite M  
**Subject:** RE: We have 3,510 CAP petitions from Monday's mail

**Holt, Cynthia L**

---

**From:** Liang, Gwen  
**Sent:** Wednesday, April 03, 2013 1:10 PM  
**To:** Aucoin, Lauren  
**Cc:** McConnell, James E  
**Subject:** H1-B Cap Lottery (RNG) operation steps

Lauren,

As I promised, here are the most updated steps in the H-1B barcodes RNG operation. Step 7 gives you answer to your question on the process on non-selected Master Caps barcodes. Please forward as needed.

1. Receive from each center (CSC, VSC) barcode files of Master Caps (premium and non-premium) and Regular Caps (premium and non-premium).
2. Combine the barcodes of Master Caps from CSC and from VSC into one group, hereinafter referred to as Source Master Caps.
3. Combine the barcodes of Regular Caps from CSC and from VSC into one group, hereinafter referred to as Source Regular Caps.
4. Produce RNGs for Source Master Caps.
5. Collect **24,300** barcodes from Source Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Master Caps.
6. Add a type code column of 'MAS' in Winner Master Caps.
7. Collect the non-selected barcodes from Source Master Caps and combine with Source Regular Caps into a group, hereinafter referred to as Source Regular Master Caps.
8. Collect **77,700** barcodes from Source Regular Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Regular Caps.
9. Add a type code column of 'REG' in Winner Regular Caps.
10. Collect the non-selected barcodes from Source Regular Master Caps into one group, hereinafter referred to as Cap Losers.
11. Separate Winner Master Caps into two output files:
  - a. CSC\_Masters\_win.xlsx (premium and non-premium)
  - b. VSC\_Masters\_win.xlsx (premium and non-premium)
  - c. Sort on barcodes
12. Separate Winner Regular Caps into two output files:
  - a. CSC\_Regulars\_win.xlsx (premium and non-premium)
  - b. VSC\_Regulars\_win.xlsx (premium and non-premium)
  - c. Sort on barcodes
13. Separate Cap Losers into two output files:
  - a. CSC\_Losers.xlsx
  - b. VSC\_Losers.xlsx
  - c. Sort on barcodes
14. Email all the output files to those specified on the confirmed distribution list.

Note: The target number of barcodes to accept for Cap processing has factored in the rejects based on the ratios of rejects in FY13 and assume all rejects are manual.

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

**Holt, Cynthia L**

**From:** Liang, Gwen  
**Sent:** Wednesday, April 02, 2014 11:56 AM  
**To:** Velarde, Barbara Q  
**Cc:** Fedak, Orest S  
**Subject:** H1B FY14 Cap Numbers and FY15 Cap Targets - two sets

Barbara,

I have added more details in each set of parameters to explain the gap between the numbers. Also two target barcode numbers have been reset after excluding non-fraud revocations from approval count.

- 1) 189 (on 4/8/2013) – count as cap
- 131 (before 4/8/2013) – count as cap
- 2,397 (after 4/8/2013) – do not count as cap
- Exclude 1,442 WAC14 or EAC14 receipts that do not have 'MAS' or 'REG' codes
- FY15 Cap Target (1): 97,000 barcode receipts
- FY14 receipts: 98,806
- FY14 denials: 9,546 (denial rate: 9.66%)
- FY14 approvals (status 9 with valid employment start date): 88,330
- FY14 status 9 but no valid employment start date: 412
- FY14 Other status: 518 (See summary chart below)

STATUS	STATUS TEXT	RECEIPTS
-2	Intent Ordered	9
-1	Continued Cases	6
1	Initial Receipts	49
2	Reopened	11
3	Transfers In	112
4	RFE/Intent Sent	83
5	RFE/Intent Undeliverable	3
6	Response Received	131
12	Invent/Audit Adjust	63
13	Rejected	51

**Total** **518**

- 2) 189 (on 4/8/2013) – count as cap
- 131 (before 4/8/2013) – count as cap
- 2,397 (after 4/8/2013) – count as cap
- Exclude 1,442 WAC14 or EAC14 receipts that do not have 'MAS' or 'REG' codes
- FY15 Cap Target (2): 98,000 barcode receipts
- FY14 receipts: 101,203
- FY14 denials: 9,665 (9.55%)
- FY14 approvals (status 9 with valid employment start date): 89,070
- FY14 status 9 but no valid employment start date: 1,941
- FY14 Other status: 527 (See summary chart below)

STATUS	STATUS TEXT	RECEIPTS
-2	Intent Ordered	9
-1	Continued Cases	6
1	Initial Receipts	51

2	Reopened	11
3	Transfers In	116
4	RFE/Intent Sent	84
5	RFE/Intent Undeliverable	3
6	Response Received	132
12	Invent/Audit Adjust	63
13	Rejected	52
<b>Total</b>		<b>527</b>

***Gwen Liang***

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services,

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

**Holt, Cynthia L**

---

**From:** Liang, Gwen  
**Sent:** Friday, February 15, 2013 12:21 PM  
**To:** Peck, Denis R; McConnell, James E; Sweeney, Shelly A  
**Cc:** Aucoin, Lauren  
**Subject:** RE: 2012 reject CAP reject percentages

Denis,

I like your suggestion of asking the centers to do rejects consistently, either manually only, or to data enter all rejects. Based on your reject numbers and rates, I am now adjusting the numbers of target barcodes based on the assumption that all the rejects are manual:

Master: 24,300  
Regular: 77,700  
Total: 102,000

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

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☎ 202-272-8161

---

**From:** Peck, Denis R  
**Sent:** Thursday, February 14, 2013 11:31 AM  
**To:** Liang, Gwen; McConnell, James E; Sweeney, Shelly A  
**Subject:** RE: 2012 reject CAP reject percentages

Yes, we can make that change, or also we could request CSC to try to do all the CAP rejects manually to minimize complications.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

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**From:** Liang, Gwen  
**Sent:** Thursday, February 14, 2013 11:27 AM  
**To:** Peck, Denis R; McConnell, James E; Sweeney, Shelly A  
**Subject:** RE: 2012 reject CAP reject percentages

Denis,

Thank you! Is it possible for the center to separately report manual (non-data entered) rejects and data entered rejects this year?

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

 .B.) (b)(6)

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**From:** Peck, Denis R

**Sent:** Thursday, February 14, 2013 11:16 AM

**To:** Liang, Gwen; McConnell, James E; Sweeney, Shelly A

**Subject:** 2012 reject CAP reject percentages

Gwen

Yes, we do have the daily reject count included in the Cap report. Here is what we had from the end of april last year.

CSC had data entered 18,787 and had 465 rejects, both manual and system together. Their rejects comprised 2.42% of the 19,252 processed through april 27.

VSC had data entered 18,049 and had 800 rejects, all manual. The rejects comprised 4.24% of the 18,849 processed through april 27.

Denis Peck  
Chief, Records Management Branch  
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Washington, DC 20529  
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**From:**  (b)(6)

**Sent:** Monday, April 30, 2012 11:54 AM

**To:** Peck, Denis R ([denis.peck@dhs.gov](mailto:denis.peck@dhs.gov))

**Cc:** Dick Braun; John Coleman

**Subject:** CSC and VSC CAP Reports for 04-27-2012

Denis:

Please find attached the CSC and the VSC H1B CAP Reports for 04-27-2012.

Regards,



(b)(6)



Bringing Knowledge Through People and Processes

**LongView-FedConsulting JV**

**Holt, Cynthia L**

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**From:** Doumani, Stephanie M  
**Sent:** Wednesday, February 26, 2014 10:12 AM  
**To:** Liang, Gwen; Bacote, Robert R; Tu, David J; Fedak, Orest S; Peck, Denis R; Cox, Sophia  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** RE: Cap Agenda 2/26

Hi Gwen,

I added the beneficiary's SS# under C3 receipt data with the a note saying to enter if it is available on the form. The correction is in red below

1. Additional Data Elements Needed to Identify Duplicate filings - Gwen
  - a. Based on receipt data entered into C3
    - i. Petitioner tax ID
    - ii. Beneficiary's first and last name
    - iii. Beneficiary's date of birth
    - iv. Beneficiary's social security number (if available on form)
  - b. Based on rejects not data entered into C3
    - i. Barcode
    - ii. Petitioner tax IF
    - iii. Beneficiary's first and last name
    - iv. Beneficiary's date of birth

Thanks,  
Stephanie

---

**From:** Liang, Gwen  
**Sent:** Wednesday, February 26, 2014 11:03 AM  
**To:** Doumani, Stephanie M; Bacote, Robert R; Tu, David J; Fedak, Orest S; Peck, Denis R; Cox, Sophia  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** RE: Cap Agenda 2/26

Stephanie,  
Thank you for the mods and I agree to all except the removal of PET\_TAX\_NUMBER, BEN\_SSN from the agenda.

Although what you said was true that the beneficiary will not always have a social security number, but if the SSN is available, I just want to make sure it is entered. Last year I was able to detect 110 duplicate filers through the use of SSN. Matching a person based on SSN is more accurate than on name and dob.

**Gwen Liang**

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.  
20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

 B.B.) (b)(6)

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**From:** Doumani, Stephanie M  
**Sent:** Wednesday, February 26, 2014 10:38 AM  
**To:** Liang, Gwen; Bacote, Robert R; Tu, David J; Fedak, Orest S; Peck, Denis R; Cox, Sophia  
**Cc:** Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** FW: Cap Agenda 2/26

Hi Gwen,

Thanks for modifying this bullet point! We appreciate the additional information.

We made a few changes that we wanted to run by you. For item 2-1, the first data combination is not feasible because the beneficiary will not always have a social security number. We left in the second data combination; however, we are revising how the elements are displayed to ensure that the callers (specifically adjudications) understand which elements are needed. (As is, the elements are displayed as seen when running queries.) We will also include the elements listed on 2-2, but again will modify the display of elements.

The agenda item will read as follows:

1. Additional data elements needed to identify duplicate filings:
  - a. Based on receipt data entered into C3
    - i. Petitioner tax ID
    - ii. Beneficiary's first and last name
    - iii. Beneficiary's date of birth
  - b. Based on rejects not data entered into C3
    - i. Barcode
    - ii. Petitioner tax ID
    - iii. Beneficiary's first and last name
    - iv. Beneficiary's date of birth

Thanks again for your help, Gwen!

Stephanie

---

**From:** Liang, Gwen  
**Sent:** Wednesday, February 26, 2014 10:03 AM  
**To:** Doumani, Stephanie M; Aucoin, Lauren J; Sweeney, Shelly A; Peck, Denis R; Fedak, Orest S; Cox, Sophia  
**Cc:** Bacote, Robert R; Tu, David J; King, Alexander R  
**Subject:** RE: Cap Agenda 2/26

I would like to make changes to the description of item 2. Additional measures to identify duplicate filings.  
The new text is proposed below:

Item 2: Data elements needed for querying duplicate filers

- based on receipts data entered into C3
  - data combination#1: PET\_TAX\_NUMBER, BEN\_SSN line through – cant do ss
  - data combination#2: PET\_TAX\_NUMBER, BEN\_LAST\_NAME, BEN\_FIRST\_NAME, BEN\_DATE\_OF\_BIRTH  
(either of the two data combinations above will do) revise as to read app.

2-2: based on rejects not data-entered into C3

BARCODE, EIN, DOB, BEN\_LAST\_NAME, BEN\_FIRST\_NAME (VSC provided all data needed last year)

Revise to read app.

Note: EIN is a 9 digit field. Last year there were 28 EINs with 10 digits sent from CSC. These 28 records were dumped by the data loading processing.

**Gwen Liang**

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

 B.B.) (b)(6)

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**From:** Doumani, Stephanie M

**Sent:** Wednesday, February 26, 2014 7:11 AM

**To:** Aucoin, Lauren J; Sweeney, Shelly A; Peck, Denis R; Fedak, Orest S; Cox, Sophia

**Cc:** Bacote, Robert R; Liang, Gwen; Tu, David J; King, Alexander R

**Subject:** Cap Agenda 2/26

Hi All,

Here is the cap agenda I would like to send to the service centers for today's call. Can you please let me know if you are comfortable with this? (The names next to each agenda item will not be included.) If I am missing anyone from the group (from yesterday's meeting), please feel free to forward this agenda on.

Thanks,  
Stephanie

**Holt, Cynthia L**

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**From:** Liang, Gwen  
**Sent:** Monday, April 07, 2014 9:28 AM  
**To:** Peck, Denis R; Fedak, Orest S; Velarde, Barbara Q; Neufeld, Donald W; Aucoin, Lauren J; Sweeney, Shelly A; Cox, Sophia  
**Subject:** RE: CAP Lottery Plan - 99250

Out of the 99,250 barcodes, we will have a target RNG of 23,500 Masters and 75,750 Regulars including the non-selected masters.

*Gwen Liang*

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.  
20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060  
☎ 202-272-8161

---

**From:** Peck, Denis R  
**Sent:** Monday, April 07, 2014 9:33 AM  
**To:** Fedak, Orest S; Liang, Gwen; Velarde, Barbara Q; Neufeld, Donald W; Aucoin, Lauren J; Sweeney, Shelly A; Cox, Sophia  
**Subject:** RE: CAP Lottery Plan - 99250

Orest,

In the past we always had subtotals for the masters and nonmasters. Is something changed this year?

Last year we had a target RNG of 24,300 Masters, then rerun RNG for 77,700 Regulars including the non-selected masters, total target 102,000.

**Source Barcodes from Centers**

Filename	# of Barcodes
CSC_MasterCaps.xlsx	14,305
VSC_MasterCaps.xlsx	16,336
<b>Total Master barcodes</b>	<b>30,641</b>

CSC_RegularCaps.xlsx	41,603
VSC_RegularCaps.xlsx	51,886
<b>Total Regular barcodes</b>	<b>93,489</b>

<b>Total Source Barcodes</b>	<b>124,130</b>
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**Output Barcodes to Centers**

Filename	Worksheet	# of Bar
CSC_Masters_win.xlsx	CSC MASTERS PREMIUM	
VSC_Masters_win.xlsx	VSC MASTERS PREMIUM	
CSC_Masters_win.xlsx	CSC MASTERS NONPREMIUM	
VSC_Masters_win.xlsx	VSC MASTERS NONPREMIUM	
<b>Total Master barcodes</b>		
CSC_Regulars_win.xlsx	CSC REGULAR PREMIUM	
VSC_Regulars_win.xlsx	VSC REGULAR PREMIUM	
CSC_Regulars_win.xlsx	CSC REGULAR NONPREMIUM	

VSC_Regulars_win.xlsx	VSC REGULAR NONPREMIUM	
<b>Total Regular barcodes</b>		

**Total selected Barcodes**

CSC_Losers.xlsx	CSC NON-SELECTED	
VSC_Losers.xlsx	VSC NON-SELECTED	
<b>Total non-selected barcodes</b>		

Denis Peck  
 Chief, Records Management Branch  
 SCOPS/USCIS/DHS  
 20 Massachusetts Ave, NW Room 2008  
 Washington, DC 20529  
 202-272-1081/202-731-2452

---

**From:** Fedak, Orest S  
**Sent:** Monday, April 07, 2014 9:24 AM  
**To:** Liang, Gwen; Velarde, Barbara Q; Neufeld, Donald W; Aucoin, Lauren J; Sweeney, Shelly A; Cox, Sophia  
**Cc:** Peck, Denis R  
**Subject:** RE: CAP Lottery Plan - 99250

Correct - 99250.

Regards,  
 Orest Fedak  
 Chief, Business Analysis Branch  
 SCOPS/USCIS/DHS  
 20 Massachusetts Avenue, NW, Room 2000  
 Washington, DC 20529-2060  
 202-272-1583

---

**From:** Liang, Gwen  
**Sent:** Monday, April 07, 2014 8:52 AM  
**To:** Fedak, Orest S; Velarde, Barbara Q; Neufeld, Donald W; Aucoin, Lauren J; Sweeney, Shelly A; Cox, Sophia  
**Subject:** RE: CAP Lottery Plan - 99250

Just to confirm: 99250 is our final decision on the target for number of barcodes?

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

---

**From:** Fedak, Orest S

**Sent:** Friday, April 04, 2014 10:19 AM

**To:** Velarde, Barbara Q; Neufeld, Donald W; Aucoin, Lauren J; Sweeney, Shelly A; Cox, Sophia

**Cc:** Liang, Gwen

**Subject:** RE: CAP Lottery Plan - 99250

The FY14 was 4522 over - 50% = 2261.

We split the split - not 99000 or 99500 but 99250.

A cap number of 99250 will produce an overage of 2263 using our current model.

Orest

---

**From:** Velarde, Barbara Q

**Sent:** Thursday, April 03, 2014 6:54 PM

**To:** Neufeld, Donald W; Aucoin, Lauren J; Sweeney, Shelly A; Cox, Sophia; Fedak, Orest S

**Subject:** RE: CAP Lottery Plan

Sounds like might end up right around the 9th mark or 99.5 we started with. Makes sense to me

Barbara Velarde

Deputy Associate Director

Service Center Operations

---

**From:** Neufeld, Donald W

**Sent:** Thursday, April 03, 2014 7:57:41 PM

**To:** Velarde, Barbara Q; Aucoin, Lauren J; Sweeney, Shelly A; Cox, Sophia; Fedak, Orest S

**Subject:** CAP Lottery Plan

I spoke to Rendell and Lori and we are going to split the difference. Let's shoot to reduce the overage by 50% compared to last year. Let me know if you need any more clarification.

Thanks,

Don

## Holt, Cynthia L

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**From:** Lauver, Tinnina M  
**Sent:** Wednesday, February 20, 2013 7:09 AM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft

Shelly provided me with some additional information on this. Based upon this information, the latest RNG process is as follows?

1. Receive from each center (CSC, VSC) barcode files of Master Caps (premium and non-premium) and Regular Caps (premium and non-premium).
2. Combine the barcodes of Master Caps from CSC and from VSC into one group, hereinafter referred to as Source Master Caps.
3. Combine the barcodes of Regular Caps from CSC and from VSC into one group, hereinafter referred to as Source Regular Caps.
4. Produce RNGs for Source Master Caps.
5. Collect 24,300 barcodes from Source Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Master Caps.
6. Add a type code column of 'MAS' in Winner Master Caps.
7. Collect the non-selected barcodes from Source Master Caps and combine with Source Regular Caps into a group, hereinafter referred to as Source Regular Master Caps.
8. Collect 77,700 barcodes from Source Regular Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Regular Caps.
9. Add a type code column of 'REG' in Winner Regular Caps.
10. Separate Winner Master Caps into four lists (CSC MASTERS PREMIUM, CSC MASTERS NONPERMIUM, VSC MASTERS PREMIUM, VSC MASTERS NONPERMIUM). No header, footer or heading are included in the lists.
11. Separate Winner Regular Caps into four lists (CSC REGULAR PREMIUM, CSC REGULAR NONPERMIUM, VSC REGULAR PREMIUM, VSC REGULAR NONPERMIUM). No header, footer or heading are included in the lists.
12. Zip files (from steps 10 and 11) based on service centers.
13. Email out the zip files produced in step 12.

\* The VSC and CSC will only manually reject during CAP.

\* The following rejection numbers and rates were used to determine the numbers of target barcodes based on the assumption that all the rejects are manual:

- CSC had data entered 18,787 and had 465 rejects, both manual and system together. The rejects comprised 2.42% of the 19,252 processed through April 27.
- VSC had data entered 18,049 and had 800 rejects, all manual. The rejects comprised 4.24% of the 18,849 processed through April 27.

### **Tinnina (Tina) Lauver**

Special Assistant  
Service Center Operations Directorate  
United States Citizenship and Immigration Services  
☎: 202.272.0904 | ✉: [Tinnina.Lauver@dhs.gov](mailto:Tinnina.Lauver@dhs.gov)

---

**From:** Lauver, Tinnina M  
**Sent:** Wednesday, February 20, 2013 7:04 AM  
**To:** Liang, Gwen; Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren

**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft

All,

I am trying to get caught up. Is this the latest and greatest RNG process. Are the figures in red text correct? I :

1. Receive from each center (CSC, VSC) barcode files of Master Caps (premium and non-premium) and Regular Caps (premium and non-premium).
2. Combine the barcodes of Master Caps from CSC and from VSC into one group, hereinafter referred to as Source Master Caps.
3. Combine the barcodes of Regular Caps from CSC and from VSC into one group, hereinafter referred to as Source Regular Caps.
4. Produce RNGs for Source Master Caps.
5. Collect 23,500 barcodes from Source Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Master Caps.
6. Add a type code column of 'MAS' in Winner Master Caps.
7. Collect the non-selected barcodes from Source Master Caps and combine with Source Regular Caps into a group, hereinafter referred to as Source Regular Master Caps.
8. Collect 75,500 barcodes from Source Regular Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Regular Caps.
9. Add a type code column of 'REG' in Winner Regular Caps.
10. Separate Winner Master Caps into four lists (CSC MASTERS PREMIUM, CSC MASTERS NONPERMIUM, VSC MASTERS PREMIUM, VSC MASTERS NONPERMIUM). No header, footer or heading are included in the lists.
11. Separate Winner Regular Caps into four lists (CSC REGULAR PREMIUM, CSC REGULAR NONPERMIUM, VSC REGULAR PREMIUM, VSC REGULAR NONPERMIUM). No header, footer or heading are included in the lists.
12. Zip files (from steps 10 and 11) based on service centers.
13. Email out the zip files produced in step 12.  
\*Manual Rejects Boundary = 500

Thanks for your help!

**Tinnina (Tina) Lauver**  
Special Assistant  
Service Center Operations Directorate  
United States Citizenship and Immigration Services  
☎: 202.272.0904 | ✉: [Tinnina.Lauver@dhs.gov](mailto:Tinnina.Lauver@dhs.gov)

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**From:** Liang, Gwen  
**Sent:** Monday, February 11, 2013 11:41 AM  
**To:** Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft

(b)(5)

**Gwen Liang**  
Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.  
20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060  
☎ 202-272-8161

**Holt, Cynthia L**

---

**From:** Liang, Gwen  
**Sent:** Monday, February 11, 2013 10:41 AM  
**To:** Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft (b)(5)

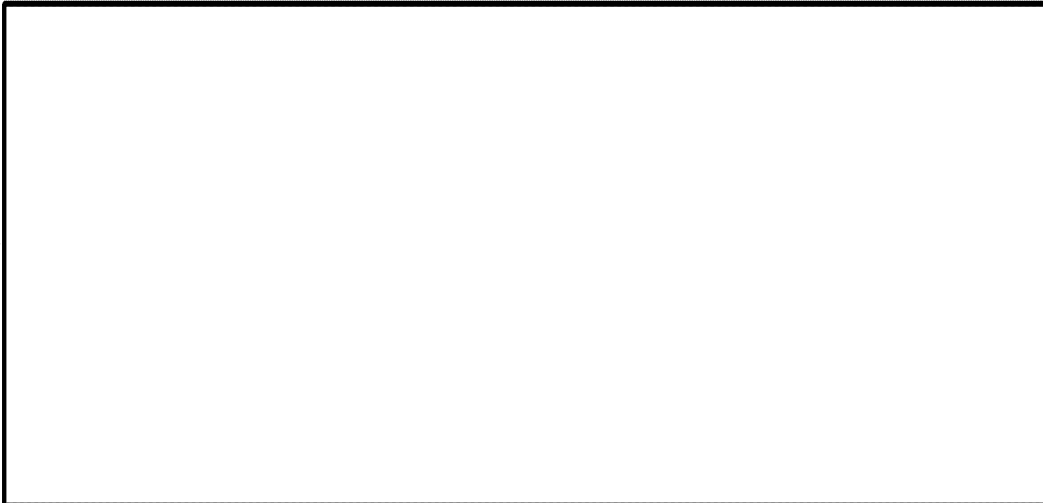


*Gwen Liang*

Management and Program Analyst  
Service Center Operations/U.S. Citizenship and Immigration Services.  
20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060  
☎ 202-272-8161

---

**From:** Peck, Denis R  
**Sent:** Monday, February 11, 2013 11:01 AM  
**To:** Liang, Gwen; Sweeney, Shelly A; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft (b)(5)



Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

---

**From:** Liang, Gwen  
**Sent:** Monday, February 11, 2013 10:50 AM  
**To:** Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren

**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft

Denis,

I have accounted for all potential adjudicative status, including rejected receipts based on the assumption that those rejected cases are first entered into the system with valid receipt numbers and later on are marked as rejected.

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

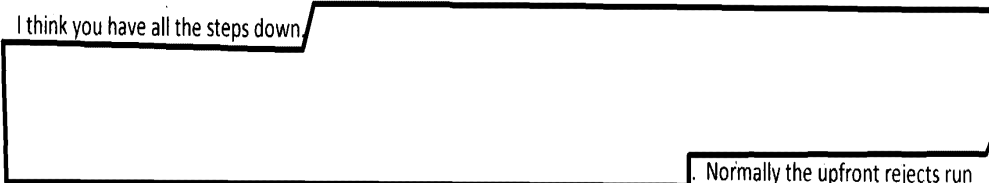
---

**From:** Peck, Denis R  
**Sent:** Monday, February 11, 2013 10:27 AM  
**To:** Sweeney, Shelly A; Liang, Gwen; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft

Gwen

(b)(5)

I think you have all the steps down



Normally the upfront rejects run around 2-3%. I just want us all to be completely understanding the plan.

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

---

**From:** Sweeney, Shelly A  
**Sent:** Monday, February 11, 2013 9:11 AM  
**To:** Liang, Gwen; Peck, Denis R; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft

I can't think of anything else off-hand.

---

**From:** Liang, Gwen  
**Sent:** Monday, February 11, 2013 9:07 AM  
**To:** Peck, Denis R; Sweeney, Shelly A; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft

Shelly & Dennis,

Thank you for the very helpful information! I have revised the allocation of Master and Regular barcodes in RNG generation process as follows:

1. Receive from each center (CSC, VSC) barcode files of Master Caps (premium and non-premium) and Regular Caps (premium and non-premium).
2. Combine the barcodes of Master Caps from CSC and from VSC into one group, hereinafter referred to as Source Master Caps.
3. Combine the barcodes of Regular Caps from CSC and from VSC into one group, hereinafter referred to as Source Regular Caps.
4. Produce RNGs for Source Master Caps.
5. Collect 23,500 barcodes from Source Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Master Caps.
6. Add a type code column of 'MAS' in Winner Master Caps.
7. Collect the non-selected barcodes from Source Master Caps and combine with Source Regular Caps into a group, hereinafter referred to as Source Regular Master Caps.
8. Collect 75,500 barcodes from Source Regular Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Regular Caps.
9. Add a type code column of 'REG' in Winner Regular Caps.
10. Separate Winner Master Caps into four lists (CSC MASTERS PREMIUM, CSC MASTERS NONPREMIUM, VSC MASTERS PREMIUM, VSC MASTERS NONPREMIUM). No header, footer or heading are included in the lists.
11. Separate Winner Regular Caps into four lists (CSC REGULAR PREMIUM, CSC REGULAR NONPREMIUM, VSC REGULAR PREMIUM, VSC REGULAR NONPREMIUM). No header, footer or heading are included in the lists.
12. Zip files (from steps 10 and 11) based on service centers.
13. Email out the zip files produced in step 12.

Please let me know if you see anything else that needs to be addressed.

Thank you!

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

---

**From:** Peck, Denis R  
**Sent:** Friday, February 08, 2013 11:50 AM  
**To:** Sweeney, Shelly A; Liang, Gwen; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S  
**Subject:** RE: H1B Cap RNG Process Draft

In 2008 Jim seems to have targeted 23,000 for the Masters Cap and 74,000 for the regular.

Denis,

Attached are two zipped files containing RNG winners for each center.

The control totals for the worksheets are:

CSC MASTERS CAP PREMIUM	3,423
CSC MASTERS CAP NONPREMIUM	6,010
CSC REGULAR CAP PREMIUM	4,227
CSC REGULAR CAP NONPREMIUM	21,904

VSC MASTERS CAP PREMIUM	4,526
VSC MASTERS CAP NONPREMIUM	9,041
VSC REGULAR CAP PREMIUM	6,346
VSC REGULAR CAP NONPREMIUM	41,523

Denis Peck  
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---

**From:** Sweeney, Shelly A  
**Sent:** Friday, February 08, 2013 11:25 AM  
**To:** Liang, Gwen; Aucoin, Lauren  
**Cc:** McConnell, James E; Tynan, Natalie S; Peck, Denis R  
**Subject:** RE: H1B Cap RNG Process Draft

Gwen,

The overall process seems right to me. I'm copying Denis in case he has input from a historical perspective. The only thing I'm thinking is that

[REDACTED]

(b)(5)

Natalie, Denis, Jim, Lauren,

Any thoughts? Anything I may be missing?

Thanks!

Shelly

---

**From:** Liang, Gwen  
**Sent:** Thursday, February 07, 2013 4:32 PM  
**To:** Sweeney, Shelly A; Aucoin, Lauren  
**Cc:** McConnell, James E  
**Subject:** H1B Cap RNG Process Draft

Hi Shelly and Lauren,

For proper planning of generating RNG in case of nee, I have stated my planned process below:

1. Receive from each center (CSC, VSC) barcode files of Master Caps (premium and non-premium) and Regular Caps (premium and non-premium).
2. Combine the barcodes of Master Caps from CSC and from VSC into one group, hereinafter referred to as Source Master Caps.
3. Combine the barcodes of Regular Caps from CSC and from VSC into one group, hereinafter referred to as Source Regular Caps.
4. Produce RNGs for Source Master Caps.
5. Collect 20,000 barcodes from Source Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Master Caps.

6. Add a type code column of 'MAS' in Winner Master Caps.
7. Collect the non-selected barcodes from Source Master Caps and combine with Source Regular Caps into a group, hereinafter referred to as Source Regular Master Caps.
8. Collect 79,000 barcodes from Source Regular Master Caps based on the result of RNGs into a group, hereinafter referred to as Winner Regular Caps.
9. Add a type code column of 'REG' in Winner Regular Caps.
10. Separate Winner Master Caps into four lists (CSC MASTERS PREMIUM, CSC MASTERS NONPERMIUM, VSC MASTERS PREMIUM, VSC MASTERS NONPERMIUM). No header, footer or heading are included in the lists.
11. Separate Winner Regular Caps into four lists (CSC REGULAR PREMIUM, CSC REGULAR NONPERMIUM, VSC REGULAR PREMIUM, VSC REGULAR NONPERMIUM). No header, footer or heading are included in the lists.
12. Zip files (from steps 10 and 11) based on service centers.
13. Email out the zip files produced in step 12.

Please advise!

Thank you!

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

**Holt, Cynthia L**

---

**From:** Liang, Gwen  
**Sent:** Wednesday, February 01, 2012 1:33 PM  
**To:** Sweeney, Shelly A; McConnell, James E; Nespor, Patrick D; Bacote, Robert R  
**Cc:** Luna, Corinna A.; Bell, Lisa M; Peck, Denis R; Roman-Riefkohl, Guillermo  
**Subject:** RE: Initial FY13 H-1B Cap Planning Teleconference

Shelly,

I am fine with the new code. I can always adjust my coding for the new code 'REG' before the H1B season starts. The potential issue will be potentially inconsistent data entry. There is apparently no data verification on the data entry screen to ensure the first 3 letter code can only be either 'REG' or 'MAS'. My coding will only count the correctly entered codes. Therefore any old code 'STD', if entered, will not be captured in the Cap counting.

Gwen

*Gwen Liang*

Management and Program Analyst

Service Center Operations/U.S. Citizenship and Immigration Services.

20 Massachusetts Avenue, Room 2000, Washington, DC 20529-2060

☎ 202-272-8161

---

**From:** Sweeney, Shelly A  
**Sent:** Wednesday, February 01, 2012 1:09 PM  
**To:** Liang, Gwen; McConnell, James E; Nespor, Patrick D; Bacote, Robert R  
**Cc:** Luna, Corinna A.; Bell, Lisa M; Peck, Denis R; Roman-Riefkohl, Guillermo  
**Subject:** FW: Initial FY13 H-1B Cap Planning Teleconference

Jim, Gwen, Patrick, and Robert,

In previous years, the centers were instructed to data enter the 3 letter code "STD" for regular cap cases and "MAS" for master's cap cases in the previous receipt number field in C3. I don't know how Jim utilized this data in his queries, but the VSC has suggested utilizing the 3 letter code "REG" instead of "STD" (for obvious reasons). Would you have any concerns/heartburn with a change of this nature?

Thanks!

Shelly

---

**From:** Stoddard, Becky M  
**Sent:** Wednesday, February 01, 2012 7:57 AM  
**To:** Sweeney, Shelly A  
**Subject:** FW: Initial FY13 H-1B Cap Planning Teleconference

Hi Shelly,

Here are some comments that I received late.

Thanks,  
Becky

Becky Stoddard  
Immigration Services Analyst  
VSC/CPAU  
802-527-4700 x 4699

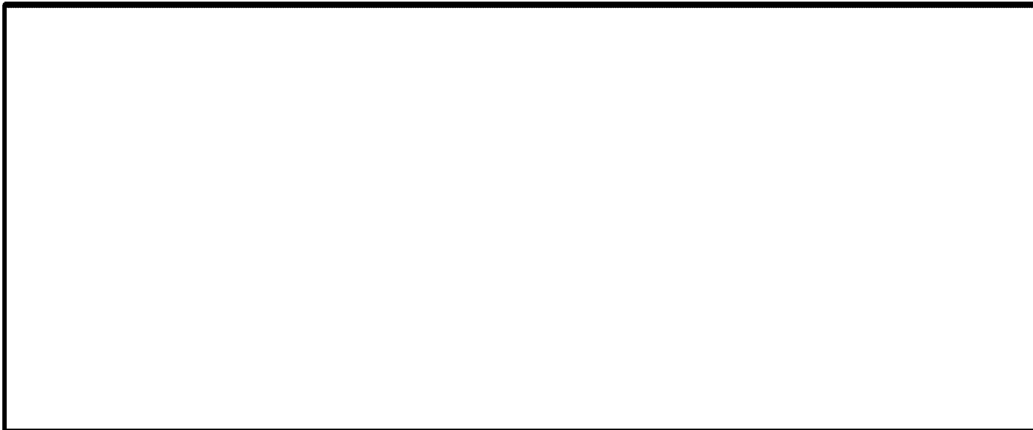
---

**From:** Bolog, Marguerite M  
**Sent:** Tuesday, January 31, 2012 8:54 AM  
**To:** Stoddard, Becky M  
**Subject:** RE: Initial FY13 H-1B Cap Planning Teleconference

Hi Becky—

My apologies for the late response. If you are still accepting them, here are my comments on the documents provided:

(b)(5)



As a side note, I wonder if we could have a different designation in CLAIMS Part 3/4 Prior Petition/App field for the Regular Cap files. Could we use "REG" instead of "STD"?

Thanks,

--Mack

---

**From:** Stoddard, Becky M  
**Sent:** Friday, January 27, 2012 12:09 PM  
**To:** Canney, Keith J; Bolog, Marguerite M; Cullen, Janice L; Sweeney, Mark M; Janson, Nancy D; Loughlin, Stephen J  
**Subject:** FW: Initial FY13 H-1B Cap Planning Teleconference

I have not received any comments yet on this, if you have any please send to me asap.

Thanks,  
Becky

---

**From:** Sweeney, Shelly A  
**Sent:** Tuesday, January 24, 2012 12:12 PM  
**To:** Luna, Corinna A.; Bell, Lisa M; McConnell, James E; Liang, Gwen; Bacote, Robert R; Nespor, Patrick D; Peck, Denis R; Roman-Riefkohl, Guillermo; Canney, Keith J; Bolog, Marguerite M; Janson, Nancy D; Fierro, Joseph; Chong, Jenny; Phan, Lethuy; Loughlin, Stephen J; Putnam, Anne F; Cullen, Janice L; O'Brien, Katie L; Nicholson, Richard E; Fries, Juliet M; Robbins, Bonnie M; Mehta, Dilipkumar N  
**Cc:** Young, Claudia F; Hall-Archambault, Melissa R; Picazo, Edna M; Bockus, Chantel; Stoddard, Becky M  
**Subject:** RE: Initial FY13 H-1B Cap Planning Teleconference

Good morning/afternoon.

The below zip file (which does not have a password) contains the draft cap-related documents that SCOPS has created so far. Whenever possible, we have utilized last year's documents and modified slightly. The pre-RNG matrix document reflects a draft revision proposed by CSC last week, along with a few revisions that SCOPS has made to note that we need to continue to separate the master's and regular cap cases to obtain a preliminary count.

Please note that some of these documents are public facing (for example, the USCIS Updates, optional checklist and webpage) and some are internal (reporting spreadsheet, etc.). Not all of these documents will end up being used as they reflect two different scenarios: one in which the cap is open at the end of the first five days and another in which we meet the cap right away.

<< File: DRAFT FY13 H-1B Cap Documents.zip >>

We will touch on these documents briefly during tomorrow's call, and would like to discuss any potential major issues you see in the documents (any edits or comments can be sent to via email until COB on Friday). We will also go over a few minor changes this year. We'd also like the centers to bring up any issues or questions you might have about processing this year.

Thanks!

Shelly

---

**From:** Sweeney, Shelly A  
**Sent:** Wednesday, January 11, 2012 2:19 PM  
**To:** Luna, Corinna A.; Bell, Lisa M; McConnell, James E; Liang, Gwen; Bacote, Robert R; Nespor, Patrick D; Peck, Denis R; Roman-Riefkohl, Guillermo; Canney, Keith J; Bolog, Marguerite M; Janson, Nancy D; Fierro, Joseph; Chong, Jenny; Phan, Lethuy; Loughlin, Stephen J; Putnam, Anne F; Cullen, Janice L; O'Brien, Katie L; Nicholson, Richard E; Fries, Juliet M; Robbins, Bonnie M; Mehta, Dilipkumar N  
**Cc:** Young, Claudia F; Hall-Archambault, Melissa R; Picazo, Edna M; Bockus, Chantel; Stoddard, Becky M  
**Subject:** Initial FY13 H-1B Cap Planning Teleconference  
**When:** Wednesday, January 25, 2012 2:00 PM-3:00 PM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** Teleconference/HQ Attendees will meet in Chestnut Conference Room

An agenda and documents for review will be sent out ahead of the call.

Call in number:



(b)(6)

**Holt, Cynthia L**

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**From:** Tamanaha, Emisa T  
**Sent:** Wednesday, February 12, 2014 12:57 AM  
**To:** Cox, Sophia  
**Cc:** Sweeney, Shelly A; Aucoin, Lauren J; Doumani, Stephanie M; Fierro, Joseph; Chong, Jenny; Baltaretu, Cristina G; DeLosSantos, Marisol C; Medlock, Kelvin P; Sun, Catherina C; Fries, Juliet M; Campagnolo, Donna P; Baran, Kathy A  
**Subject:** CSC's FY15 H-1B CAP Plan

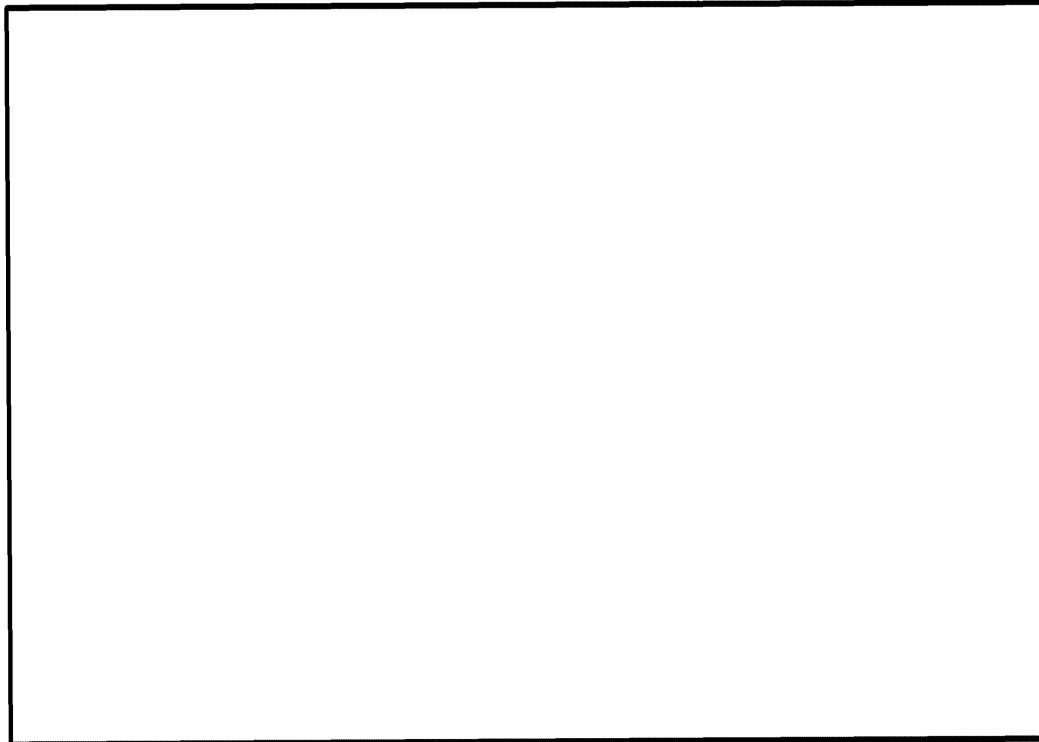
Hi Sophia,

Per our call today, here is the CSC's CAP plan:

Note: In an effort to comply with the Quality Workplace initiative, we have removed the Efficiency Unit (EU)/Completion Per Hour (CPH) rate from our CATS reporting and will not be using it to address any performance issue. However, for CAP planning purposes, I am using those measures we had traditionally used in the past in order to calculate the FTEs needed to handle the CAP projection.

(b)(5)

For the initial premium bubble



Currently, we only have a handful of AMCON Returns which we will be clearing shortly. We also have a handful of CAP Exempt cases within a week old that we are clearing shortly. We are also within a week on H-1B EOS non-PP. We are fully caught up with religious worker cases (both I-360 SD/SR & I-129 R), and those that passed the site checks are being processing within a month. There is no backlog in O, P, Q, L, H-3, and E, and they are very lean. We are awaiting the rest of the 3,000 VSC H-1B EOS to be fully transferred into GUI so that they are ready for adjudications.

We have scheduled a full H-1B training for those that are new to CAP as well as a refresher training for those that need to be updated during the week of 2/18, which is the date the re-org is effective. In addition, we are scheduling another

refresher training during the week of 3/17. I am planning to have an FY15 H-1B CAP meeting with everyone who is involved in the CAP effort on 3/12 to set the expectation and share our goal.

Please let me know if I missed anything or if you would like to discuss anything before our next CAP call.

Thank you,  
Emisa

**Holt, Cynthia L**

---

**From:** Peck, Denis R  
**Sent:** Thursday, March 13, 2014 7:18 AM  
**To:** Sweeney, Shelly A; Aucoin, Lauren J; Cox, Sophia; Tu, David J; King, Alexander R; Doumani, Stephanie M  
**Cc:** Velarde, Barbara Q  
**Subject:** FW: Friday, March 14  
**Attachments:** CSC FY15 CAP Plan 031214.doc; VSC FY15 CAP Plan 031214.doc

These are their finalized plans and I will go over them on Friday when they visit at 11-12. Feel free to join me or send me any questions or concerns you want addressed beforehand.

Thank you,

Denis Peck  
Chief, Records Management Branch  
SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

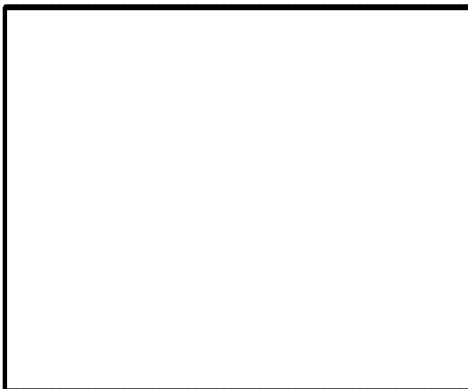
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**From:** [REDACTED] (b)(6)  
**Sent:** Wednesday, March 12, 2014 5:35 PM  
**To:** Thomas Leupp; Peck, Denis R  
**Subject:** RE: Friday, March 14

Denis,

Attached are the updated CAP plans.

Thanks,



(b)(6)



Bringing Solutions Through People and Processes

LongView-FedConsulting JV

**U.S. Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services (USCIS)  
Service Center Operations Support Services (SCOSS)**

## **VSC FY 2015 H-1B CAP**

### **Plan of Action**

**March 12, 2014**

#### **Prepared For:**

Department of Homeland Security (DHS)  
U.S. Citizenship & Immigration Services (USCIS)  
20 Massachusetts Avenue  
Washington DC 20001

#### **Prepared by:**

VSC SCOSS Management  
LongView – FedConsulting JV  
602 South King Street, Suite 102  
Leesburg, VA 20175  
(703) 443-1888



## 1. INTRODUCTION

The FY 2015 H-1B CAP Plan provides an overview of the project, a list of deliverables, assumptions and resources required and used throughout the Life Cycle of the project. Commencing April 1, 2014 and continuing through May 5, 2015, the LongView-FedConsulting Joint Venture (LVFCJV) will receive and process all new I-129 H-1B CAP petitions including cases falling under the H-1B CAP exemption for foreign nationals holding advanced degrees from U.S. universities.

Currently, USCIS will accept and process the first 100,000 I-129 H-1B CAP (75,000 regular and 25,000 Masters) petitions received at both the Vermont and California Service Centers. If the two centers receive more than 100,000 petitions combined, within the first five business days, then a Random Number Generator (RNG) program will be used to select the first 100,000 petitions.

I-129 H-1B cases, with employment start dates in FY 2015 (beginning October 1, 2014), may be filed up to six months before the date that the prospective employee is to begin work. For example, where employment is to begin on October 1, 2014, an H-1B petition may be filed as early as April 1, 2014. All normal receipts and processing of 'Non-CAP' incoming mail is considered out of the scope of this project, as it is considered part of 'normal everyday duties'. However, CAP resource allocations are typically made at the expense of staff normally assigned to daily processing and, as a result, affect our ability to maintain time compliance in all areas.

In addition, the cases may be submitted with a Premium processing request. The additional fee and submission of the form I-907 will guarantee an expeditious adjudicative review and decision. Typically, during CAP, adjudications must be completed within 15 days of the RNG results.

Standard H-1B cases filed beginning April 1, 2014 will count against the overall FY 2015 H-1B CAP. However, the standard H-1B CAP is reduced by the U.S.-Chile and U.S.-Singapore Free Trade Agreements (FTAs), which set aside a certain amount of H-1B numbers for professionals from those two countries each fiscal year. In practical terms, only just a certain amount of H-1B will be available in the standard H-1B pool for FY 2015, though some unused FTA visas from FY 2014 may be recaptured and later made available for FY 2015 employment. Advanced-degree cases will count against the additional H-1B numbers made available pursuant to the provisions of the H-1B Visa Reform Act.

## 2. GOALS

To develop a Plan of Action (POA) that will allow the VSC SCOSS team to continue processing normal delivery of USCIS applications in addition to H-1B CAP with minimal disruption of Performance Work Standards (PWS).

The following are the preliminary goals of this project:

- To develop a POA that will allow the VSC SCOSS team to process the FY 2015 H-1B CAP in the most efficient and effective manner.
- To prepare all CAP cases received April 1<sup>st</sup> thru April 7<sup>th</sup> for lottery.
- Be prepared to implement lottery pulls and commence keying Premium CAP cases as soon as first shift on April 14, 2014.
- To provide accurate numbers and feedback to USCIS in a timely manner.



- To complete all CAP processing by June 13, 2014

### 3. ASSUMPTIONS


The following sections detail assumptions and recommendations for all aspects of CAP workflow.

#### ▶ Processing Timeline

- Mail will be received and processed at both the Lemnah 4 and Tabor buildings at the Vermont Service Center. (April 1, 2014 - April 7, 2014).
- Petitions will be reviewed to determine if they are CAP eligible petitions. (April 1, 2014 - April 13, 2014).
- As in previous years, CAP cases will be sorted into four categories and assigned a number: (April 1, 2014 - April 13, 2014).
  - VRN Prefix-Regular Non-Premium
  - VRP Prefix-Regular Premium
  - VMN Prefix-Master Non-Premium
  - VMP Prefix-Master Premium
- Due to the anticipated volumes, the maximum number of CAP petitions will be received by close of business on the fifth day (April 7, 2014).
- Barcoding and a manifest of CAP file numbers will be supplied to USCIS by COB April 13, 2014
- After initial processing, petitions will be randomly selected, by USCIS. (April 14, 2014)
- Selected petitions will be pulled, reviewed for Acceptability, Setup, and Delivered to Data Entry (April 14, 2014 - May 5, 2014).
- Selected petitions will be Data Entered and delivered to Adjudications
  - Premium petitions will be keyed first (April 14, 2014 through April 19, 2014)
  - Non Premium petitions will be keyed after the Premium petitions are completed. (April 21, 2014 through May 5, 2014)
- Non-selected CAP petitions will be rejected and held for USCIS review. (May 7, 2014 - May 23, 2014)
- USCIS will compare data between the two Centers to determine if duplicate petitions were received / processed. (May 27, 2014 - May 28, 2014)
- Rejected petitions will be mailed once the duplicate review has been completed. (May 29, 2014 - June 13, 2014)
- Duplicate Petitions may get Data Entered

#### ▶ CAP Mail

(b)(4)

- 
- Adequate guard support will be provided to scan all incoming mail at all facilities receiving mail.
- USCIS will arrange for outside couriers (i.e. FedEx, UPS) to sort and deliver mail earlier than their normal schedules.
- FedEx Deliveries:
  - "30 Houghton" addressed mail will be delivered to the Tabor Building.



- "75 Lower Welden", "1A Lemnah" and "Lemnah 4" addressed mail will be delivered to the Lemnah 4 building.
- UPS Deliveries:
  - 30 Houghton" addressed mail will be delivered to the Tabor Building.
  - "75 Lower Welden" "Lemnah 4" addressed mail will be delivered to the Lemnah 4 building.
  - All other addresses will be delivered to the Tabor building.
- All Other Courier Deliveries:
  - All Deliveries will be made to the Tabor building
- USPS Mail:
  - Will be picked up by SCOSS daily.
  - On April 5, 2014 a special mail pickup will be performed and all CAP mail will be sorted and processed.
    - Scanning support will need to be provided by USCIS.
  - On April 7, 2014 a special mail pickup will be performed prior to USPS closing and all CAP mail will be sorted and processed.
- Each "Franked" package received will be counted as "one" piece of mail received, even if it contains multiple petitions or envelopes and will be recorded under the Mail Room CLIN.
- Federal Protective Services will provide scanning support at the Lemnah 4 building utilizing their Canine unit.
- Preparations to use "Cages", to hold petitions at the Lemnah 4 Facility, will be made prior to April 1<sup>st</sup>.
- Recommendation: General public instructed to indicate the number of I-129 CAP petitions enclosed in each package to help facilitate counting of mail left to be processed.
- All mail received at Lemnah 4 will be reviewed and sorted accordingly by "Attn:" line
  - CAP Premium Mail will be routed to Tabor "Marble Room".
  - CAP Non-Premium will be stored at Lemnah 4.
  - Non-CAP mail will be routed to Tabor Incoming Mailroom.
  - Non-CAP mail, which has been opened, will be routed to Tabor Data Entry.
- One additional truck will be acquired to assist in moving material between CAP locations.

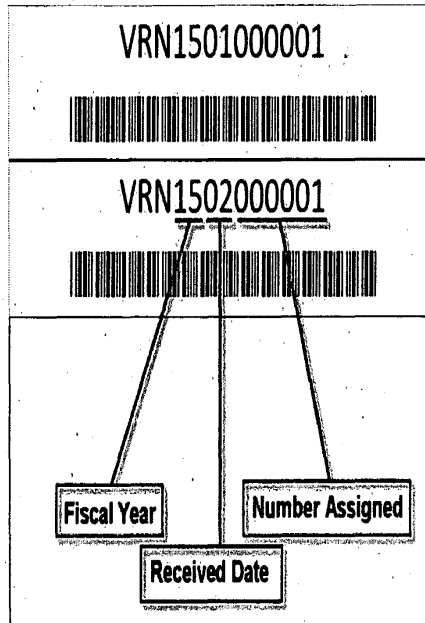
▶ CAP Matrix

- The CAP Matrix will be finalized and provided to SCOSS by March 3, 2014, to allow the development of training plans.
- All petitions will be reviewed to determine if they are acceptable based on the supplied CAP Matrix Data.
- In addition to the Matrix review, petitions will need to fall within the Vermont Service Centers Jurisdiction; those which are not within VSC Jurisdiction will be rejected immediately.
- Due to space constraints the Lemnah 4 building will store petitions on pallets to be stacked using forklifts. Forklift support will be provided by USCIS facilities staff.
- Employees will be required to review all recycled material to ensure there is no Personal Identifiable Information (PII) annotated. All PII information must be removed or "Blacked Out" before leaving the building. This process will require 1 additional FTE on each shift.

▶ CAP Barcoding



- Each CAP petition will be stored in file jackets with a Random Number Generator (RNG) barcode number.
- This number will be used to facilitate a random selection process on April 14, 2014.
- In order to properly track the CAP petitions at all stages of processing, additional barcode scanners and systems access will be required at the Lemnah 4 facility.
- Label Format:



▶ Lottery

- All filings received during the CAP Lottery Window of April 1, 2014 through April 7, 2014 will need to be prepared for Lottery selection by close of business on April 13, 2014.
- A Random Number Generator (RNG) pull list will be provided by USCIS on April 14, 2014. These filings will be pulled and staged for Data Entry.
- Petitions which were not selected through the lottery process will be rejected.

▶ CAP Acceptability/Setup

- All selected petitions will be reviewed to determine if the fee and petition are acceptable
- Any questions regarding acceptability will be reviewed with local CPAU/CRU staff.
- Once files are set up, they will be routed to Data Entry for processing.
- Any petitions which are not acceptable (incorrect fee, no signatures, etc.) will be routed for rejection. (Selected Not Acceptable)



▶ Data Entry

- CAP Premium petitions will be data entered in the USCIS systems at an average rate of (b)(4) per day; starting April 14, 2014 (second shift) and completing by COB April 19, 2014.
- An additional (b)(4) workstations will be required in one of the existing conference rooms located in the Tabor Building. The additional work stations will be used starting March 3, 2014 through the end of CAP processing. (Review "Facilities" Section Below)
- In anticipation of continued volumes of regular Non-CAP petitions, a data entry prioritization list will be supplied to SCOSS by CPAU.
- To facilitate immediate workflow to adjudications, screen prints will not be performed on Premium Processing for the first three days, or until all Premium cases are completed.
- On site OIT support will be available on both shifts.
- Any questions regarding Acceptability/Data Entry will be reviewed with local CPAU/CRU staff.

▶ Deposit

- An additional (b)(4) employees will be trained to perform deposit using the existing systems.
- All fees for (b)(4) petitions keyed until 2:30PM will be scanned into the system from 3:00PM to 1:30AM. Scanning will continue the following morning at 4AM until each days deposit is completed. (b)(4)
- Recommendation: CPAU has (b)(4) available as backup. This can be set up to be used in the event of equipment failure.
- Recommendation: Have OIT support readily available to clean the scanners and to maintain the system.

▶ Rejects

- Any CAP cases received before April 1, 2014 will be rejected the day they are received to give the applicant time to resubmit within the CAP lottery window. (Filed too Early)
- Cap filings that are determined unacceptable will be processed as a rejected case. Rejects will be completed and sent based on directions from USCIS.
- Updated CAP Reject Letters, as well as the data fields to be collected, will be provided by CPAU by February 17, 2014.
  - Reject letter templates will be supplied for petitions which were:
    - Filed too early
    - Selected but not deemed acceptable
    - Not Selected
  - The templates will be incorporated into the local Reject Database.
  - CPAU will provide Examples of how the Data should be collected (MMDDYYYY vs. YYYYMMDD)
- All Premium rejected petitions will be held at Tabor – Marble Room until CPAU confirms that they can be shipped out.
- All Non-Premium rejected petitions will be held at Lemnah 4 until CPAU confirms that they can be shipped out.



- For reporting purposes, filings that were included as a CAP case but then later determined to be a non-CAP I-129, will be counted (not processed) as a CAP reject. Re-categorized cases (premium to non-premium or master to regular, etc.) will not be counted as a CAP reject.

▶ Fee Deposit (b)(4)

- An additional [redacted] employees will be trained to perform deposit using the existing systems.
- All fees for petitions keyed until 2:30 PM will be scanned into the system from 3:00 PM to 1:30 AM. Scanning will continue the following morning at 4:00 AM until each days deposit is completed. (b)(4)
- Recommendation: Have [redacted] available as a backup.

▶ Outgoing Mail

- All Rejected petitions will be processed through outgoing mail.
- Additional staff will help prepare and seal all envelopes.
- It will take approximately 12 days to complete processing with an expected completion date of June 13, 2013.

▶ Non-CAP Workflow

- Non-CAP mail picked up on Saturday, April 5, 2014 will not be processed until April 7, 2014.
- Premium filings will be prioritized and sent to adjudications workflow in a timely manner.

(b)(4)

- [redacted]
- Any backlogs in Non-CAP areas anticipate being within compliance by June 13, 2014 (dependent on volume).
- Prioritization List:

Form/Process	Compliance Status
I-907 Upgrades	Daily
I-129 / I-907 Premium	Daily
I-129 O & P	Daily
I-129 L	Hold until CAP Complete
I-129 HIB	Hold until CAP Complete
VAWA	2 Days
Scanning	3 Days - (Depending on Volume)
Scheduling	2 days of Form Type
I-751 MFAS	Hold until PP CAP Complete
I-751 CRI-89	within 2 days of MFAS
I-589	5 days - (Notify Asylums?)
Rejects	Within 3 days of Form Type
FTC's	5 Days (Stop Ordering I-751 A's?)
KCC Copies	10 Days
Interfiling	5 Days
RFE Responses	3 Days - Excluding Premium



▶ Contract & Billing

- “Out of Scope” tasks, listed in the CAP CLIN Creation section of the plan, and PR waiver requests will be similar to last year and are under review. These lists will be submitted to USCIS for approval in the near future.

(b)(4)

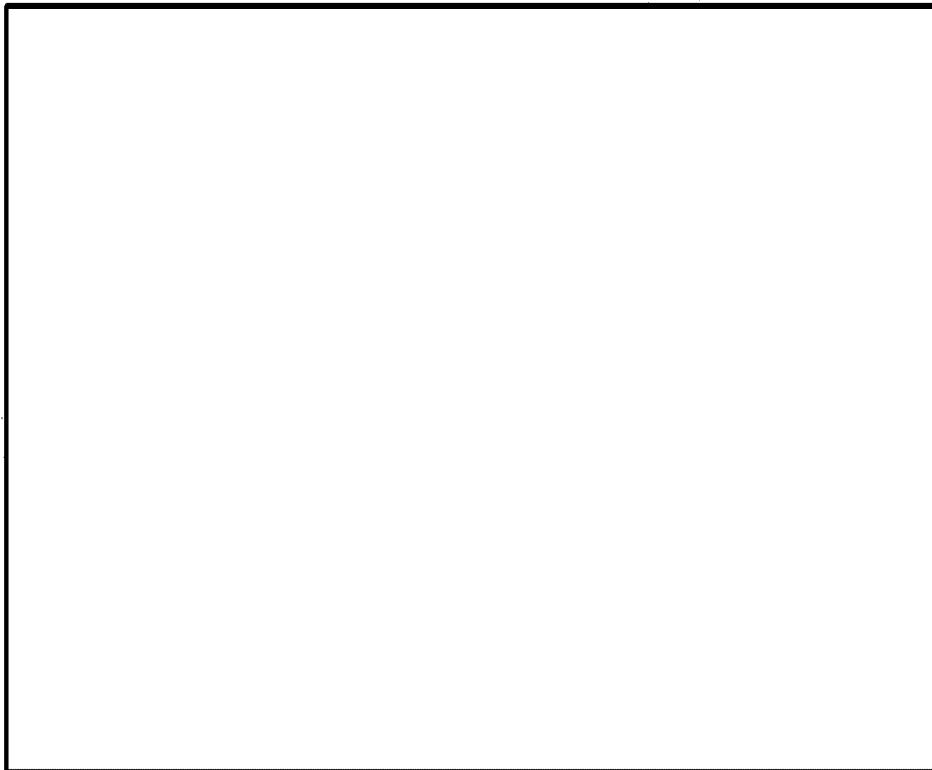
▶ Reporting

- The initial Data Entry pending will be reported once we have received the listing of selected Cases.
- A detailed CAP report will be supplied in conjunction with the VSC DAAG.
  - The CAP Report will detail the quantities keyed from each of the CAP categories (VRP, VRN, VMP and VMN).
  - Masters CAP petitions are sometimes selected as part of the Regular CAP. These will continue to be reported under either the VMN or VMP categories from which they originated.

4. FACILITIES

Based on the anticipated volumes and the limited space at Vermont Service Center, VSC SCOSS Management Team has developed a plan to process FY 2015 CAP Project using the available space located at Lemnah 4 building, and the available conference rooms at the Tabor building (Marble, Maple, and Morgan conference rooms)

(b)(4)



(b)(4)



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(b)(4)

- Hours of Operation and Guard Coverage:

Guards	Dates	Post Hours



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Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

(b)(4)

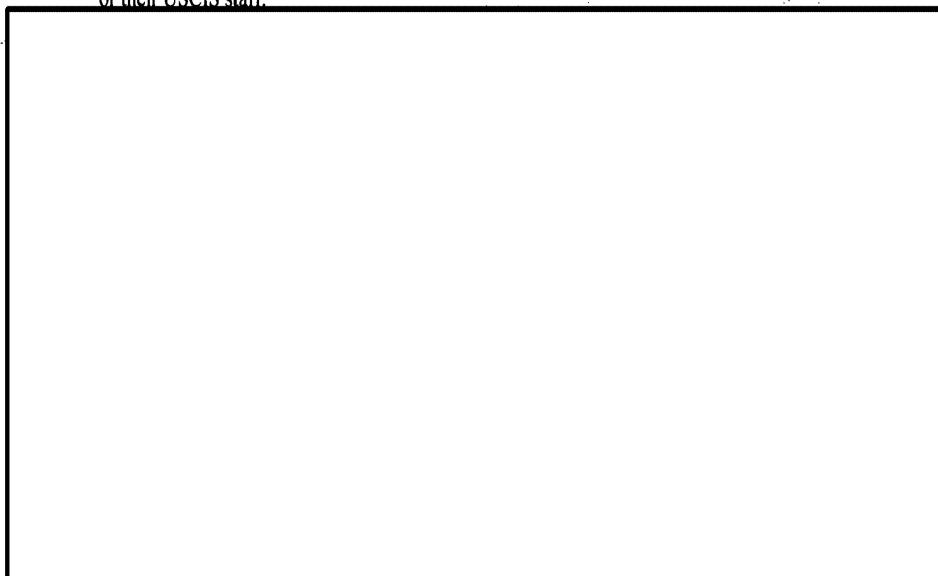


**5. EQUIPMENT & SUPPLIES**

The following is a list of equipment that will be used during CAP:

- Mail Scanners, one at each location receiving mail, will be manned and operated by an FPS guard or their USCIS staff.

(b)(4)



- The list of supplies below will be needed to support CAP.

SUPPLIES & EQUIPMENT REQUESTED FROM USCIS				
ITEM	UNIT	Lcm4	Tabor	COMMENTS
Blade Staple Pullers Brand G2K	Each	78	30	
Boxes	Each	5500	1500	Some daily for the first five days
Box Tape	Rolls	40	10	
Box Tape Dispenser	Dispenser	6	2	



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Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

Cleaner, All Purpose	Each	11	3	
Clips, Black - Large	Case	11	3	
Clips, Black - Medium	Case	11	3	
Clips, Black - Small	Case	4.5	1.5	
Date Stamp (Rolling)	Each	102	28	On order
Deposit Only Stamps	Each	102	28	On order
Fine Markers - Black (Sharpie Or Bic)	Dozen	3	1	
Folders, Green File 1/2 Cut	Cases	0	22000	folders for the first five days
Folders, Brown File 1/2 Cut	Cases	92000	0	folders for the first five days
Hi-Lighters (Dz), Any Color	Dozen	15	5	
Labels, Barcode = Cases	Case		5	Needed prior to CAP
Letter Slicers	Each	100	30	
Markers, Black	Dozen	3	2	
Max Staplers	Each	78	30	
Paper Towels	Rolls	6	4	
Paper, Golden Rod	Case	1	0	
Paper, White	Case	1	0	
Paper, Pink	Case	0	1	
Paper, Green	Case	0	1	
Paper, Light Purple	Case	0.75	0.25	
Paper, Blue	Case	0.75	0.25	
Pencils, 6 Dozen Per Box	Box	3	2	
Pencil Sharpener	Each	3	2	
Pens, Black - Med Pnt-Skilcraft	Dozen	3	2	
Pens, Blue - Med Pnt	Dozen	1	2	
Pens, Red - Med Pnt	Dozen	1	2	
Photocopy Paper 8 1/2" X 11"	Case	3	1	
Post-It #680-5 (Assorted Colors) 1.5X2	Boxes (600 Per Box)	35	9	Brand - UNV -99001, 99002, 99003
Rubber Bands, Large #32	Case	2	1	
Rubber Bands, Small, #19	Case	3.5	1.5	
Rubber Fingers Variety Of Sizes	Case	1.5	0.5	each of sizes 11, 12, 13, 14
Scissors, 6 Pair Per Box	Box	10	4	
Scotch Tape Dispensers, 12 Each	Box	4	2	
Scotch Tape, 144 Rolls Per Box	Box	1.5	0.5	
Staples (Standard) 500 Box Per Case	Case	0.5	0.5	
Steno Notebooks (Small)	Dozen	0.5	0.5	
Tacky Finger, 12 Each Per Box	Box	1.5	0.5	
X Stamper Refill Ink (Black)	Dozen	0.5	0.5	
Royal Mark Re-Fill Ink (Red) 6Cc	Dozen	0.5	0.5	
Yellow Stick Notes (2"X3" Plain)	Case	0.5	0.5	
Yellow Stick Notes (4"X6" W/Lines)	Case	0.5	0.5	
Box Cutter Knives	Each	32	10	
Coat Racks	Each	4	2	

\* Indicates a change in quantity since last submission

## 6. STAFFING DETAILS

- The total contract personnel on April 1, 2014

(b)(4)





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(b)(4)

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

o [Redacted]

- o The anticipated resources are detailed below showing how many are needed for each step in the process over the initial CAP period.

<b>April 1, 2014 - April 13, 2014</b>	<b>1st Shift</b>	<b>2nd Shift</b>
---------------------------------------	------------------	------------------

[Redacted]		
------------	--	--

<b>April 14, 2014 - April 19, 2014</b>	<b>1st Shift</b>	<b>2nd Shift</b>
--	------------------	------------------

[Redacted]		
------------	--	--

<b>April 21, 2014 - May 6, 2014</b>	<b>1st Shift</b>	<b>2nd Shift</b>
-------------------------------------	------------------	------------------

[Redacted]		
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(b)(4)



Bringing Solutions Through Proven and Proven Processes

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(b)(4)

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

		<b>May 7, 2014 - May 23, 2014</b>	
		<b>1st Shift</b>	<b>2nd Shift</b>

		<b>May 30, 2014 - June 13, 2014</b>	
		<b>1st Shift</b>	<b>2nd Shift</b>

--	--

▶ Overtime

--	--

(b)(4)



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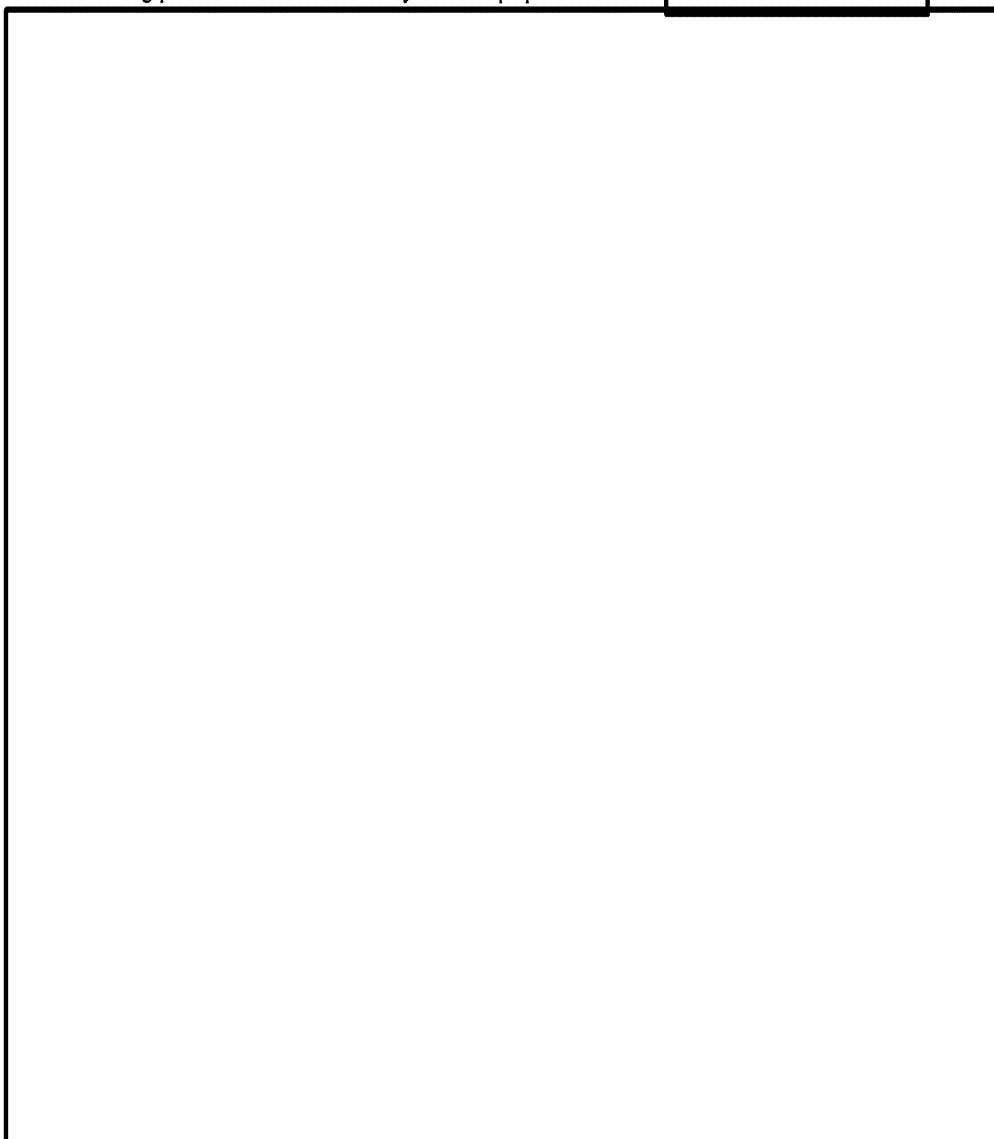
(b)(4)

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016



## 7. TRAINING

A training packet has been created solely for CAP purposes to include:



(b)(4)

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Bringing Solutions Through People and Processes

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Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

(b)(4)

Training Schedule:

[Redacted Training Schedule content]

**8. PR RELIEF**

(b)(4)

[Redacted PR Relief content]

PR	Requirement	PR Granted Till
4.2	Mail Operations Support	06/13/2014
4.2.5	All mail (excluding certain exceptions) shall be opened, sorted, date stamped, properly handled, and timely processed and routed by the Contractor in the assigned mail area	06/13/2014
4.3.2	The Contractor shall review applications/petitions and supporting documents for completeness,	06/13/2014



PR	Requirement	PR Granted Till
	jurisdiction, signature, and correct fee, and process those complaint and non-compliant applications/petitions.	
4.3.3	The Contractor shall collect information from forms and source documents and accurately input data into various formatted screens within established processing timeframes. Accuracy is defined as no data entry errors on the entire form or document.	06/13/2014
4.3.5	The Contractor shall generate and interfile screen prints as required.	06/13/2014
4.3.6	The Contractor shall accurately scan materials and as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for documentation.	06/13/2014
4.3.7	The Contractor shall scan, process, and verify fingerprint cards (FD-258) for submission to the FBI.	06/13/2014
4.3.8	The Contractor shall create files during data collection.	06/13/2014
4.4.1	The Contractor shall review receipted fees for acceptability and ensure the fee is endorsed in accordance with Treasury Financial Manual.	06/13/2014
4.4.2	Reconcile Fees and Prepare Deposit Ticket	06/13/2014
4.5.1	The Contractor shall create files when requested during file operations.	06/13/2014
4.5.2	The Contractor shall submit a report showing individual clerk and individual system deposit totals to USCIS, on a daily basis or as required.	06/13/2014
4.5.3	The Contractor shall fulfill internal (with the service center) and external (originating from other centers, district offices, the NRC, etc.) file request for information by identifying, locating, retrieving and delivering correct file(s) within the established timeframes.	06/13/2014
4.5.5	The Contractor shall file and re-file records	06/13/2014
4.5.8	The Contractor shall accurately consolidate files physically and electronically within established timeframes.	06/13/2014
4.5.10	The Contractor shall accurately interfile, connect, and route correspondence or RFE with corresponding file(s) and update systems within established timeframes.	06/13/2014
4.5.14	The Contractor shall perform system queries and searches in USCIS systems, and places a screen print(s) of the search result(s) in the file, when required.	06/13/2014
4.5.15	The Contractor shall accurately scan materials and, as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for document production.	06/13/2014
4.5.16	The Contractor shall correctly assemble E-filed applications and petitions into files.	06/13/2014
4.5.18	The Contractor shall pick up, continuously sort, and deliver for internal distribution printouts and files between mail stops within the service center as established by the COTR. The contractor picks up mail, printouts, and files no less than twice daily as scheduled by the COTR.	06/13/2014
4.5.19	The Contractor shall photocopy applications and petition-related documents when required.	06/13/2014

9. CAP CLINs

(b)(4)

- Hours spent performing the following tasks will be recorded daily utilizing the  system:
- All functions will be recorded under the CLIN (Contract Line Item Number) identified.
  - MAIL CLIN:
    - Opening and Identifying Mail
  - CAP CLIN:



- CAP Sort - Initial sort into "CAP" and "NON CAP" work after mail has been scanned
- CAP Courier - Courier deliveries taken, beyond the normal amount, for CAP and Non-CAP
- CAP Box Prep - Creation and Breakdown of boxes used to store CAP files
- CAP Dock Team - Unloading files from courier vehicles so they can be scanned
- CAP File Acceptability - Review and setup of selected CAP Petitions; determine if fees and petitions are acceptable.
- CAP File Audit - Tracking files in NFTS and processing reports
- CAP File Labeling - Placing barcode labels on the file jackets
- CAP Folder and Boxing - Boxing up CAP cases and filling out crate sheets
- CAP Matrix Review - Performing the matrix review to determine if cases in the "CAP" sort are in fact CAP and if they are, which CAP category they belong to
- CAP Runner - Delivering or picking up work for people in the CAP area
- CAP Training - All time spent training and being trained in order to prepare for CAP
- CAP Verification - Verification of sorts, counts, barcode labels
- CAP Break - Breaks taken while working CAP (b)(4)
- CAP Reporting - Reporting CAP tasks in [redacted] and hours in Time System
- CAP Prep Work - Misc. tasks associated with CAP (Cleaning, Trash, Recycling)
- CAP Rejects - Maintaining CAP Rejects (Not used for processing CAP Rejects)

- DATA ENTRY CLIN:

- Data Entry of each CAP Petition and any other riding petitions.

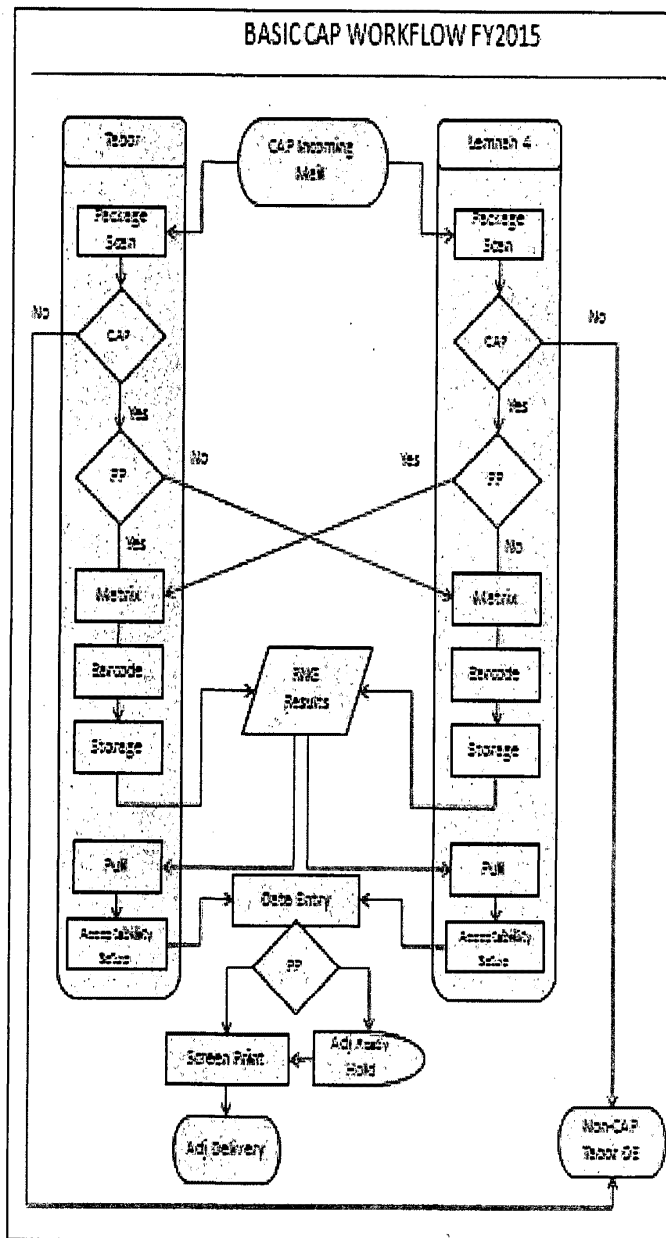
- All hours recorded under the CAP CLIN will be billed as a separate invoice to USCIS.

#### 10. CAP PHASES - Expected Volumes

Based on the assumption that USCIS will meet or exceed the anticipated number of petitions required to perform the random number selection, the following phases of our CAP plan will be followed:

- ▶ Initial Planning (January 1, 2014 to February 15, 2014)
- ▶ Preparation (February 18, 2014 to March 31, 2014)
- ▶ Execution (April 1, 2014 to June 13, 2014):
  - Opening, stamping, sorting and placed in file jacket completed for first five days of CAP receipts based on volumes of up to [redacted] per day. (April 1, 2014 to April 13, 2014)
  - Bar-code petitions for RNG starting on April 1, 2014 thru April 13, 2014. (Working Saturdays and Sundays to continue processing.) (b)(4)
  - Daily keying of all CAP cases received, up to [redacted] per day, based on available workstations: (April 14, 2014 to May 5, 2014).
  - Processing all Rejected CAP cases (May 6, 2014 to May 23, 2014).
  - Mail Rejected CAP cases (to be completed by June 13, 2014).
- ▶ Backlogs back in compliance, based on volumes received, by June 13, 2014.

**11. BASIC PROCESS WORKFLOW**





Bringing Solutions Through People and Processes

LongView-FedConsulting JV

**U.S. Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services (USCIS)  
Service Center Operations Support Services (SCOSS)**

## **CSC FY 2015 H-1B CAP**

### **Plan of Action**

**March 12, 2014**

#### **Prepared For:**

Department of Homeland Security (DHS)  
U.S. Citizenship & Immigration Services (USCIS)  
20 Massachusetts Avenue  
Washington DC 20001

#### **Prepared by:**

CSC SCOSS Management  
Longview - Fedconsulting JV  
602 South King Street, Suite 102  
Leesburg, VA 20175  
(703) 443-1888



## 1. INTRODUCTION

The FY 2015 H-1B CAP Plan provides an overview of the project, a list of deliverables, and the resources required for use throughout the Life Cycle of the project. Commencing April 1, 2014 and continuing through May 5, 2015, Longview - FedConsulting JV (LVFCJV) will receive and process all new I-129 H-1B CAP petitions including cases falling under the H-1B CAP exemption for foreign nationals holding advanced degrees from U.S. universities.

Currently, USCIS will accept and process the first 75,000 I-129 H-1B and 25,000 I-129 H-1B Masters CAP petitions received at both the Vermont and California Service Centers. If the two centers receive more than 75,000 regular and 25,000 Masters petitions combined, within the first five business days, then a Random Number Generator (RNG) program will be used to select the first 75,000 regular and 25,000 Masters petitions. Both standard and advanced degree H-1B cases with employment start dates in FY 2015 (beginning October 1, 2014) may be filed up to six months before the date that the prospective employee is to begin work. For example, where employment is to begin on October 1, 2014, an H-1B petition may be filed as early as April 1, 2014. All normal receipts and processing of 'Non-Cap' incoming mail is considered out of the scope of this project, as it is considered part of 'normal everyday duties'. However, CAP resource allocations are typically made at the expense of staff normally assigned to daily processing and, as a result, affect our ability to maintain time compliance in all areas.

Standard H-1B cases filed beginning April 1, 2014 will count against the overall FY 2015 H-1B CAP, however, the standard H-1B CAP is reduced by the U.S.-Chile and U.S.-Singapore Free Trade Agreements (FTAs), which set aside a certain amount of H-1B numbers for professionals from those two countries each fiscal year. In practical terms, only just a certain amount for H-1B will be available in the standard H-1B pool for FY 2015, though some unused FTA Visas from FY 2014 may be recaptured and later made available for FY 2015 employment. Advanced-degree cases will count against the additional H-1B numbers made available pursuant to the provisions of the H-1B Visa Reform Act.

## 2. GOALS

To develop a Plan of Action (POA) that will allow the CSC SCOSS team to continue to process normal delivery of USCIS applications in addition to H-1B CAP with minimal disruption of Performance Work Standards (PWS).

The following are the preliminary goals of this project:

- To develop a POA that will allow the CSC SCOSS team to process the FY 2015 H-1B CAP in the most efficient and effective manner.
- To conduct same day presort/storage of all H-1B CAP cases.
- To be ready to implement Lottery Pulls and keying of the Premium Processing CAP cases as soon as the afternoon of April 14, 2014.
- To provide accurate numbers and feedback to USCIS in a timely manner.

## 3. ASSUMPTIONS

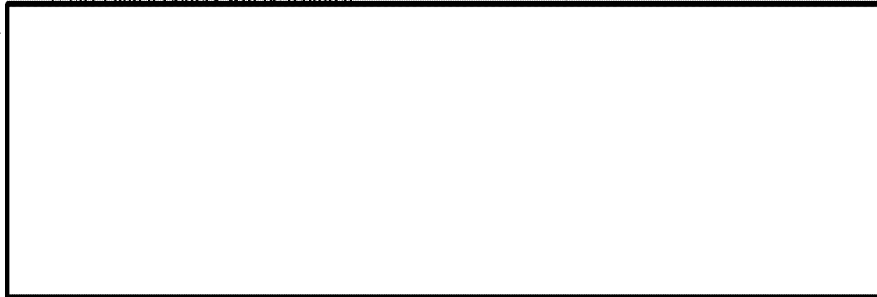


(b)(4)

The following are assumptions that are being used to generate our current plans:



- The H1B CAP will be met by the end of the five day CAP window of April 1, 2014 through April 7, 2014 and a Lottery will be required.



- Non-CAP premium filings will be prioritized to keep the oldest date current.

▶ Mailroom

- A late run will be added to the USPS mail run schedule on April 7, 2014 to ensure that all CAP mail is picked up prior to USPS closing.
- If mail is available at USPS before noon on Saturday April 5, 2014, a postal run will be made to pick up the mail that day.

(b)(4)



- CAP cases will be sorted into four categories:
  - CRN - CAP Regular Non-Premium
  - CRP - CAP Regular Premium
  - CMN - CAP Master Non-Premium
  - CMP - CAP Master Premium
- The CAP sort criteria above will be utilized for training purposes.

▶ Lottery

- It is assumed that the FY 2015 CAP will require a Lottery. All filings received during the CAP Lottery Window of April 1, 2014 through April 7, 2014 will need to be prepared for Lottery selection by April 13, 2014.
- On April 13, 2014, the CAP NFTS RPC ranges will be provided for USCIS review and routing to HQ for RNG list generation.
- USCIS will do a duplicate search between the two centers after all filings are keyed and rejects are in the CRIS database.
- A Random Number Generator (RNG) pull list will be provided by USCIS on Monday, April 14, 2014. These filings will be pulled and staged for keying.



- We will report all cases as pending in Data Entry until we have keyed the selected files and are instructed to reject the non-selects.
- Non-selected lottery participants will be rejected and do not require ROP assembly.

▶ Data Entry

- A search will be conducted for any overlooked Premium Petitions beginning on April 9, 2014 and will be completed no later than two days prior to the end of the 15-day Premium Processing period.
- Based upon the 90,000 CAP forecast with a 25% premium percentage, [ ] are expected to be Premium Processing CAP cases.
- Data Entry (b)(4)
  - CAP Premium Petitions will be data entered once CPAU has given us approval to begin, which is anticipated to be April 14, 2014 at a planned rate of [ ] cases per day.
  - The "received date" to be entered into Claims will be the date announced by CPAU. The actual "mail" received date will be stamped on the envelope and petition.
  - Data Entry will key three letter designators, "MAS" for Masters Qualified Visas and "REG" for the Regular Qualified Visas, in the Part 2, data field one "requested nonimmigrant classification" instead of what is written on the petition.
  - Starting on April 14, 2014 and until all premium cases are completed we will not run screen prints for regular I-129 Premium Processing or CAP Premium Processing cases so they can get to adjudications as quickly as possible.

▶ Rejects

- Any CAP cases received before April 1, 2014, will be rejected the day they are received to give the applicant time to resubmit within the CAP lottery window.
- CAP filings that are determined unacceptable will be processed as a rejected case. Rejects will be held for the duplicate comparison completed after the CAP winner keying phase.
- Petitions filed at CSC by beneficiaries from Chile or Singapore will be forwarded to VSC for processing, not rejected.
- Updated CAP Reject Letters will be provided by CPAU to include with the filings that are determined unacceptable, to address filings that were not selected for this year's CAP and for late filings.
- If there is a lottery, not selected cases will be held until keying is complete and instruction to reject has been provided by USCIS.
- If there is not a lottery, rejects will be processed on the day they are received.
- All CAP rejects will be manually rejected.
- For reporting purposes, filings that were included as a CAP case but then were later determined to be a non-CAP I-129 will be counted (not processed) as a CAP Reject. Re-categorized cases (premium to non-premium or master to regular, etc.) will not be counted as a CAP Reject.

▶ Fee Deposit

- Deposit room staffing will be increased to accommodate the significant increase in fees and to compensate for concerns with OTCNet.



- A contingency plan specific to reverting to manual deposit procedures will be built and ready for implementation by April 1, 2014.

▶ **Contract & Billing** (b)(4)

- "Out of Scope" tasks, listed in the CAP CLIN Creation section of the plan, and PR waiver requests are similar to last year and are listed in Sections 8 and 9. These lists have been submitted to USCIS for approval

[Redacted]

**4. FACILITIES**

- ▶ **Presort Room** – This room is located on the second floor at the CSC

[Redacted]

- ▶ **Security Guards** – From April 1, 2014 through April 4, 2014 and April 7, 2014

[Redacted]

- ▶ **NARA room** – This room is located on the first floor at the CSC.

[Redacted]

- ▶ **B2 room** – This room is adjacent to the NARA room on the first floor at CSC

[Redacted]

- ▶ **First floor Loading Dock** – The large loading dock on the first floor

[Redacted]

(b)(4)



(b)(4)

▶ Second Floor Loading Dock – The dock just outside the second floor mailroom [redacted]

▶ Maintenance Service – A request was placed for large mobile dumpsters and a maintenance rotation for the NARA room.

▶ Trash container – A request for a large trash container was placed for the expected increase in refuse.

5. EQUIPMENT & SUPPLIES

[redacted]

(b)(4)

The following is a list of equipment and supplies that will be used during CAP; these supplies will be needed in the NARA room on March 20, 2014:

SUPPLIES & EQUIPMENT REQUESTED FROM USCIS		
ITEM	QUANTITY	COMMENTS
Acco Fastener - Acco Fastener w/ Compressors 2"	1.5 Pallet	
Acco Fastener - Acco Fastener w/ Compressors 2-3/4" x 4"	1 Case	
Bar Code - Bar Code Labels	1.5 Pallet	
Bar Code - Bar Code Ribbons	1 Pallet	
Box - Packing Box (Brown) 15 x 12 x 10	12 Pallets	6,000 units
Chairs	450	
Copy Paper - 5 COLORS - Yellow, Pink, Green, Blue & Lavender	10 Reams	10 reams of each
Copy Paper - Goldenrod	1 Case	
Copy Paper - Orchid	20 Cases	
Copy Paper - White	1 Pallet	
Date, stamps, Impression size #1	170	UVX4011



SUPPLIES & EQUIPMENT REQUESTED FROM USCIS		
ITEM	QUANTITY	COMMENTS
Ink, Pad 2-3/4" x 4-1/4" Foam Pad	120	7510-00-526-1742
Ink, Stamp Pad, Black (refill)	60	7510-00-161-4237
Envelope - Kraft Envelope - 10 x 15	15 Cases	
Envelope - Kraft Envelope - 12 x 16	4 Cases	
Envelope - Kraft Envelope - 9-1/2 x 12	6 Cases	
Envelope - White Envelopes (no window)	5 Cases	
File Folders - Blue (MASTERS CAP)	30 cases	15,000 folders (150 boxes)
File Folders - Brown	18 cases	9,000 folders (90 boxes)
File Folders - Burgundy (PREMIUM CAP)	28 cases	14,000 folders (140 boxes)
File Folders - Green (REG CAP)	110 cases	55,000 folders (550 boxes)
File Folders - Yellow (PP MASTERS CAP)	20 cases	10,000 folders (100 boxes)
Gloves - Latex Gloves (LG)	3 Boxes	
Gloves - Latex Gloves (M)	3 Boxes	
Ink, refill for self-inking Black	24	1 per distributor
Knife, Craftsman	24	1 per distributor
Letter Opener	80	
Ribbon - Slip Printer Ribbon Ink	150 ct.	
Ribbon - Time Date Stamp Ink	100 ct.	
Pallet Jack	3	All three down in the CAP rooms
Pallet Shrink Wrap	1 Box	4 ct.
Pallets	200 units	Placed at first floor loading dock pallet area by compactor
Pen, Ball Point, Med, Black 12/BX	45 Boxes	
Rubber Band, Oversized 7" x 16" x 1/8"	175 Boxes	
Rubber Band, size 33, 1/8" x 3-1/2"	115 Boxes	
Scissors	45	
Staple Removers	230	
Staplers - Desk Staplers	210	
Staples, standard	90	
Marker, Felt Broad-tip "Black"	2 boxes	24 markers
Marker, Felt Broad-tip "Red"	2 boxes	24 markers
Marker, Felt Fine-tip "Red"	6 boxes	72 markers
Table - standard 72"W X 30"W	103	103 through 4/18/14; 50 through 5/9/14
Table - heavy duty (500lbs) 72"W X 30"W	30	through 4/11/14
Tape Gummed 3" wide	5 boxes	50 rolls
Tape - Medium Desk Tape Dispenser	90	
Tape - Pressure 3/4" (scotch regular)	180 ct.	
Paper 2-hole punch Desk	200 ct.	



Bringing Solutions Through People and Processes

# LongView-FedConsulting JV

Service Center Operations Support Services  
Contract No. HSHQDC-09-D-00020/HSSCCG-11-J-00016

SUPPLIES & EQUIPMENT REQUESTED FROM USCIS		
ITEM	QUANTITY	COMMENTS
Endorsement stamps	90	
PSI M9108 date/time stamp (self-inking)	50	
Marsh Tape Dispensers	3	
CSC Yellow buckets	500	This is above and beyond the 6 pallets supply has downstairs

## 6. STAFFING DETAILS

(b)(4)

Total contracting personnel on April 1, 2014

The table below is an assumption of how many FTEs will be assigned towards CAP.

Date	Total Needed	Mail/Letter	File Set-Up	Data Entry	Deposit

(b)(4)



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(b)(4)

The anticipated resources are detailed below showing how many are needed for each step in the process over the initial CAP period.

A large rectangular area of the page is completely redacted with a solid black fill. This area is intended to contain a table detailing anticipated resources for each step in the process over the initial CAP period.



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(b)(4)

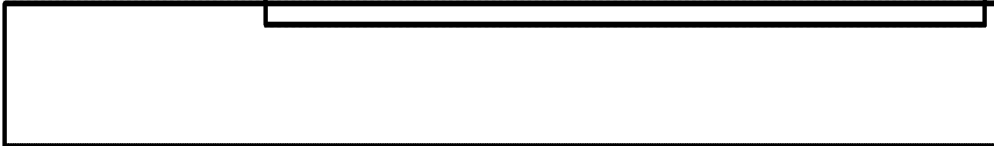
Service Center Operations Support Services

Contract No. HSHODC-09-D-00020/HSSCCG-11-I-00016



### ▶ Overtime

Overtime will be used on



Our projections are based on



(b)(4)

Overtime Hours					
CAP Phase	Week Ending	# of Clerks	# of hours	Total	Staff Breakdown
[Redacted Table Content]					

(b)(4)



Overtime Hours					
CAP Phase	Week Ending	# of Clerks	# of hours	Total	Staff Breakdown
(b)(4)					

(b)(4) 7. TRAINING

(b)(4)					
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(b)(4)

Training Hours					
Process	Date Range	# of Clerks	Time	Total	Description
(b)(4)					



Enabling Solutions Through People and Processes

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Service Center Operations Support Services  
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(b)(4)

Training Hours					
Process	Date Range	# of Clerks	Time	Total	Description
(b)(4)					

**8. PERFORMANCE REQUIREMENTS RELIEF**

(b)(4)

(b)(4)
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► **General Requirements**

PR	Requirement	PR Granted Until
4.1.12	The Contractor shall maintain the capability to accommodate spikes in workload volumes that occur from time to time and that are predicted at least 45 calendar days in advance of the anticipated sudden increase in workload volumes. These spikes may be attributable to the beginning of an application period, anticipated changes in fees to be charged, or other phenomena.	04/30/14*
4.1.13	The Contractor shall maintain the capability to accommodate surges in data collection volume of up to 25% above the daily average received for the previous twenty business days. In the event the data	04/30/14*



PR	Requirement	PR Granted Until
	collection volume exceeds 125% of the rolling daily average for the previous twenty business days, the Contractor is only held responsible for meeting the timeliness performance requirements for 125% of the rolling daily average; the balance may be processed on the next business day and may be considered – for the purposes of surge management only – as part of the data collection for the next day. If the surge extends beyond one day, then the Contractor shall continue to perform under the same rule for as long as the surge lasts, recalculating the rolling daily average data collection volume and the 125% volume each day based on the previous twenty business days.	
4.1.14	On Mondays and the first business day after federal holidays, the Contractor shall maintain the capability to accommodate surges in data collection of up to 50% above the daily average received volume for the previous twenty business days. In the event the data collection volume exceeds 150% of the rolling daily average for the previous twenty business days, the Contractor is only held responsible for meeting the timeliness performance requirements for 150% of the rolling daily average; the balance may be processed on the next business day and may be considered – for the purposes of surge management only – as part of the data collection for the next day.	04/30/14*

▶ Mail Room Operations

(b)(4)



PR	Requirement	PR Granted Until
4.2.5	All mail (excluding certain exceptions) shall be opened, sorted, date stamped, properly handled, and timely processed and routed by the Contractor, in the assigned mail area.	04/30/14*
4.2.8	Outgoing Mail is metered by the daily scheduled time for the presort contractor	04/30/14*

▶ Data Entry Operations

(b)(4)



PR	Requirement	PR Granted Until
4.3.2	The Contractor shall review applications/petitions and supporting documents for completeness, jurisdiction, signature, and correct fee, and process those compliant and non-compliant applications/petitions.	04/30/14*
4.3.3	The Contractor shall collect information from forms and source documents and accurately input data into various formatted screens within established processing timeframes. Accuracy is defined as no data entry errors on the entire form or document.	04/30/14*
4.3.5	The Contractor shall generate and interfile screen prints as required.	04/30/14*
4.3.6	The Contractor shall accurately scan materials and, as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for document production.	04/30/14*
4.3.7	The Contractor shall scan, process, and verify fingerprint cards (FD-258) for submission to the FBI.	04/30/14*



PR	Requirement	PR Granted Until
4.3.8	The Contractor shall create files during data collection.	04/30/14*
4.3.9	The Contractor shall accurately process manually rejected applications and petitions within established timeframes.	04/30/14*
4.4.1	The Contractor shall review receipted fees for acceptability and ensure the fee is endorsed in accordance with the Treasury Financial Manual	04/30/14*
4.4.2	The daily deposit is completed prior to the depository pick up time.	04/30/14*
4.4.3	The contractor shall submit a report showing individual clerk and individual system deposit totals to USCIS on a daily basis or as required.	04/30/14*

► File Room Operations

(b)(4)



PR	Requirement	PR Granted Until
4.5.1	The Contractor shall create files when requested during file operations.	04/30/14*
4.5.2	The Contractor shall accurately request required files from external sources such as other centers, district offices, the NRC, etc. within established timeframes.	04/30/14*
4.5.3	The Contractor shall fulfill internal (within the service center) and external (originating from other centers, district offices, the NRC, etc.) file requests for information by identifying, locating, retrieving and delivering the correct file(s) within the established timeframes.	04/30/14*
4.5.5	The Contractor shall file and re-file records.	04/30/14*
4.5.6	The Contractor shall track and update files in NFTS upon movement or as requested by USCIS. The Contractor shall accurately update data in various USCIS systems (C3, C4, etc.).	04/30/14*
4.5.8	The Contractor shall accurately consolidate files physically and electronically within established timeframes.	04/30/14*
4.5.9	The Contractor maintains a tracking progress for files held in temporary holding areas. The Contractor moves files maintained in the temporary holding areas to the next stage of the process, when required.	04/30/14*
4.5.10	The Contractor shall accurately interfile, connect, and route correspondence or RFE with corresponding file(s) and update systems within established timeframes.	04/30/14*
4.5.14	The Contractor shall perform system queries and searches in USCIS systems, and places a screen print(s) of the search result(s) in the file, when required.	04/30/14*
4.5.15	The Contractor shall accurately scan materials and, as required, perform cropping, scaling, and adjusting of contrast and brightness necessary to achieve an acceptable quality image for document production.	04/30/14*
4.5.16	The Contractor shall correctly assemble E-filed applications and petitions into files. (No waiver for I-907 Upgrade)	04/30/14*



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PR	Requirement	PR Granted Until
4.5.18	The Contractor shall pick up, continuously sort, and deliver for internal distribution printouts and files between mail stops within the service center as established by the COTR. The Contractor picks up mail, printouts, and files no less than twice daily as scheduled by the COTR.	04/30/14*
4.5.19	The Contractor shall photocopy application and petition-related documents when required.	04/30/14*
4.5.21	The Contractor shall accurately create I-512 documents within established timeframes.	04/30/14*
4.5.22	The Contractor shall process documents received from district, port of entry, or consulate offices.	04/30/14*

## 9. CAP CLIN's

(b)(4)

The following lines are currently available in  and will be used for FY 2015 CAP:

Task Name	Description
CAP Sort	Initial Sort & routing packages to a presort staging area based on the CAP petition designations on the packages. Sorting of CAP cases into drop off points for folder and boxing after presort is complete. Distributor sorting of mail for CIS Review, CAP sort and Regular work drop offs. These sorts are not performed for normal daily petition processing.
CAP Courier	Transportation of mail or files beyond the two USPS trips that are potentially or specifically CAP related.
CAP Box Prep	Box preparation for files created for the CAP. These will be used for the scanner team to locate lottery winners and for ease of maintaining files & counts.
CAP Dock Team	Loading of bags of mail into cages or on pallets for transportation to the scanners. Loading of these packages into the scanner and then removal from the scanner. These bags/boxes will be re-loaded into cages or pallets and staged for transport to the 1st sort team.
CAP File Audit	Dolphin Team - Secondary audit of the boxes with lottery filings or buckets used during the lottery or duplicate pull.
CAP File Labeling	Labeling of the file folders with the lottery labels for the RNG.
CAP Folder and Box	Verification of the CAP category, placing of cases into folder and then a box.
CAP Matrix Review	Review of the I-129 to determine whether it is a CAP case and if so, what category it falls into.
CAP Premium Review	Searching through non-selected cases for possible premium filings that we may have identified as regular prior to day 15. This will result in SCOSS having to review and touch all the filings again to identify and pull out premium cases that may have been missed.
CAP Refile	Dolphin Team - Tracking the barcode numbers. After sort has been completed refilers charge all files to their box. This line will also be used for any electronic movement of the lottery files required during the lottery or duplicate pulls.
CAP Runner	Clerk who will go between the NARA room and Dolphin upload station near CSD (regular contracting area). Required due to no IT capability in NARA room. Additionally, this line will track time spent building, maintaining and moving the pallets of boxes with lottery filings.
CAP Searches	File searches will be conducted by members of the Pick team as requested as needed to complete the project.
CAP Training	Training of clerks on processes associated with CAP operations
CAP Verification	If there is not a lottery, after the CAP 5 day window expires, identification of CAP cases. CAP Lottery number assignment and folder connection/staging will continue and reported on this line.
CAP Reporting	Review and generation of CAP related reports.
CAP Prep Work	CAP room setup, modification, and maintenance; may include other CAP specific activity requested by USCIS that is not already assigned a task line.



(b)(4)

Task Name	Description
CAP File Acceptability	This task is to be used to charge time spent assessing the acceptability of a CAP file prior to rejection or submission to CIS review.

### 10. TASKS

The following are the tasks that will be performed during CAP.

- Cap Preparation
  - Box Creation
  - File Jacket Labeling
  - Room setup and other preparation
- Loading Dock and Courier Operations
  - Pallet jack team
- 1st Sort Operations
- Presort Operations
  - Envelope Review and Mail Security
  - CAP Matrix Review
  - Distributors
- Folder and Box / Gunner (Dolphin) Team
  - Pallet building/staging
- Lottery Pull Team
- Premium File Review
- Data Entry and Fee Receipting Operations
  - File Assembly only – Front End (4/1 through 4/13)
  - File Acceptability and Keying
  - File Assembly only – Back End (4/14 through 5/5)
  - Distributors (Keying and File Assembly)
- Deposit Room Team
- CAP Rejects
  - Selects
  - Non-selects
- Duplicate Pull Team
- Mail Metering Operations

#### ▶ CAP Mail/File Operations

CAP work will be received primarily on the first floor loading dock however the second floor loading dock will be utilized as a secondary location. Below is the process flow for the initial stages on the first floor:

- Dock teams will load mail into cages or stage it on pallets on the first floor outside of the NARA room and transport to the mail scanner.
- Courier teams will load the mail onto the scanners and deliver the mail to the first sort team. CAP work will be sorted as follows:
  - Regular work (non-CAP or I-129) to the regular presort teams.



- CAP or I-129 to the CAP Package Review teams.
- The Dock team will take work that has been through first sort to the second floor Presort room for package review.
- CAP Package Review teams will review for the following:
  - Envelope review for "Do Not Open Mail" packages.
  - Review for suspicious materials within each package.
  - Re-package CAP cases into assigned buckets to be delivered to B2 room for further processing.
  - Sort premium(white buckets) versus non-premium packages(yellow buckets)
- Courier teams will load buckets reviewed by the package review team onto carts and transport them to the dock.
- Dock teams will load the buckets onto cages which will be loaded onto the delivery truck to be driven to the first floor.

CAP work that has already been screened for suspicious material, will be received on the first floor for further processing. Below is the process flow for the second stage of CAP on the first floor:

- Courier teams will unload the cages from the truck and deliver them to the B2 room.
- CAP Presort teams will complete the content review and annotation of each CAP package.
- Distributors will move work to designated drop off points based on annotations on each CAP package. The drop off points are:
  - CAP Sort – four sorts within this area for the four CAP categories.
  - CIS Review.
  - Regular Work.
- CAP Folder and Box teams will verify each package based on the annotation on each package prior to placing the appropriate CAP folder over the package. CAP Folder will then be placed in the appropriate box and pallet.
- Dolphin Team will then perform a physical and electronic count of CAP files within each box.
- Pallets of lottery ready filings will be staged in the NARA room.
- The NARA room will also be utilized to maintain any backlogs for the CAP presort room unit on the 2<sup>nd</sup> floor.
- The Lottery team will complete the pulling of files based on the RNG list provided by USCIS and stage them for Data Entry keying.
- Data Entry will request CAP Premium Processing Master's cases first when they begin keying.

## 11. CAP PHASES

The following are each phase of our CAP plan with a lottery:

- ▶ Initial Planning (January 2, 2014 to February 15, 2014)
- ▶ Preparation (February 4, 2014 to March 29, 2014)
- ▶ Execution (April 1, 2014 to May 5, 2014):
  - April 1, 2014 to April 7, 2014:
    - Slit-n-peek, bar-coding, boxing process completed for first five days of CAP receipts
    - Evaluate decision to preassemble and evaluate Premium Applications, if possible, to minimize delay due to PP clock
  - April 5, 2014 to April 6, 2014



- Assembly of premium CAP cases
- CAP mailroom operations supplementation
- April 14, 2014 (through April 16, 2014)
  - Receive the Lottery RNG list and complete the pulling and staging of files
  - Begin keying of CAP Premium filings (if instructed)
- April 14, 2014 to April 19, 2014
  - Process all premium CAP "winner" filings received during the lottery window
  - Reduced daily processing of Data Entry regular operations continues.
  - Daily keying of all non-CAP premium and specified I-129 classifications received.
  - Complete premium file review on all non-premium CAP filings
- April 20, 2014 to May 5, 2014:
  - Process all non-premium CAP "winner" filings received during the lottery window
  - Reduced daily processing of Data Entry regular operations continues.
  - Daily keying of all non-CAP premium and specified I-129 classifications received.
  - Begin keying of non-CAP I-129s and other form types in prioritization order.
- Post May 5, 2014:
  - If directed, pull additional CAP cases that were previously not selected for processing. (this may be done if the overall "winner" reject quantity is over 3,000 units)
  - Once directed, begin processing of CAP rejects.
  - Complete mailroom metering for all CAP rejects.
  - Continue to eliminate all operational backlogs.
- Backlogs back in compliance by no later than June 8, 2014

The following are each phase of our CAP plan without a lottery:

- ▶ Initial Planning (January 2, 2014 to February 15, 2014)
- ▶ Preparation (February 4, 2014 to March 29, 2014)
- ▶ Execution (April 1, 2014 to April 30, 2014):
  - April 1, 2014 to April 7, 2014:
    - Slit-n-peek, bar-coding, boxing process completed for first five days of CAP receipts
    - Evaluate decision to preassemble and evaluate Premium Applications, if possible, to minimize delay due to PP clock
  - April 5, 2014
    - Assembly of premium CAP cases
  - CAP mailroom operations supplementation (if needed) April 8, 2014 to April 16, 2014
    - Process all premium CAP filings beginning with oldest date
    - Reduced daily processing of Data Entry regular operations continues.
    - Daily keying of all non-CAP premium and specified I-129 classifications received.
    - Rejects will be completed daily as identified.
    - Complete premium file review on all non-premium CAP filings
    - Review all incoming I-129s for CAP cases; identify and stage all CAP cases by date and category.
  - April 17, 2014 to April 30, 2014:
    - Process all non-premium CAP filings beginning with the oldest date.
    - Reduced daily processing of Data Entry regular operations continues.
    - Daily keying of all non-CAP premium and specified I-129 classifications received.



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- Begin keying of non-CAP I-129s and other form types in prioritization order.
- Rejects will be completed daily as identified.
- Continue to eliminate all operational backlogs.
- Backlogs back in compliance by no later than June 8, 2014.

## VSC Business Division Capacity Plan

**Objective:** Properly staff the Business Division to timely process the surge of H1B Cap filings expected in April 2014.

### Goals:

- Take an initial action on all "actionable" H1B Cap petitions by August 1, 2014.
- Maintain cycle time goals for all other "Business Division" form types. Note: The VSC capacity tool is designed to track volume of work and not processing times.
- Allocate 5 FTEs to the ASVVP workload until the H1B Cap workload goals have been met and additional FTEs, as necessary after the cap workload is completed.

### Assumptions:

- VSC will receive approximately the same number of H1B Cap receipts during April 2014 as we received in April 2013 (54,000).
- Overtime will be available for all business based form types for the remainder of the fiscal year.
- Hours per completion rates utilized in the business plan will be realized.
- If additional resources are shifted to the Business division, and transfer of work from the VSC is not an option, cycle times in other form types at the VSC will increase.
- No additional workloads will be directed at the VSC for the remainder of the fiscal year.

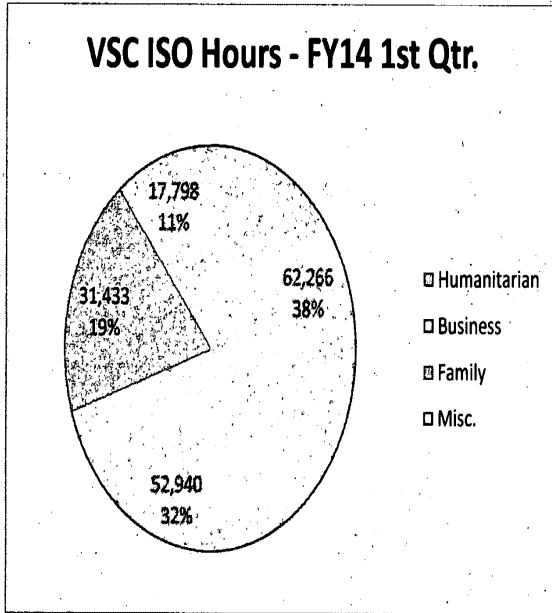
### Projections:

- In order to meet the goals identified above, 40+ officers will need to be added to the Business Division.

### Challenges/Impacts:

- Hiring surge – VSC anticipates that as many as 100 new officers will enter on duty between February and June 2014. The impacts of bringing on this many officers include:
  - Lost production due to training and mentoring associated with form type training.
  - Reduced efficiency as new officer's progress through the normal learning curve and realize a full level of efficiency.
  - Lost hours while officers attend six weeks of BASIC training.
- Shortage of Staff in the Family Division – 60 officers are currently assigned to the Family Division form types at the VSC. FTEs needed for this workload are broken down as follows:
  - I-130 IR new receipts – 32 (once NBC backlog is completed)
  - I-751 new receipts – 57 (beginning in March 2014)
  - I-130 Preference new receipts – 25
  - Consular Returns – 20
  - Adam Walsh Act – 6
  - Customer Service Duties – 5
  - **Total - 145**

- 81% of the VSC form type hours in the first quarter were attributed to form types under the purview of Business, Humanitarian or Miscellaneous (I-765 & I-131).



(b)(5)

**Options:**

## VSC I-129 H1B CAP Case Determination Matrix

### Regular CAP

1. Review Page 2, Part 2 block 1 to ensure that the Requested Classification is "H1B", "1B1" "H1B1", or "H1B3", if blank route to CRU.
2. Review **Part B** of I-129 H1B Data Collection Supplement

# 1, 2, or 3 are Y	<b>CAP Exempt Reject for jurisdiction</b>
# 1, 2, and 3 are N	<b>Continue</b>

3. Review **Part C** of I-129 H1B Data Collection Supplement

# 1 is marked A	Sort as regular CAP case (Premium Regular if I-907 is present).
# 1 is marked B	Continue with MASTERS
# 1 is marked C	Sort as regular CAP case (Premium Regular if I-907 is present)
# 1 is marked D	<b>NOT CAP – Route those with I907 to DE those without I-907 to Mailroom</b>
Multiple Blocks Checked	<b>Route to CRU</b>

### Masters CAP

If the I-129 petition is identified as a CAP, review H1B Data Collection Supplement **Part C # 1, "b" and # 2.**

Review **Part C** of I-129 H1B Data Collection Supplement

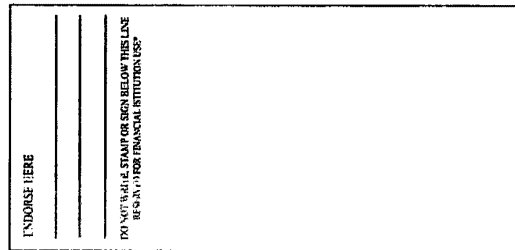
# 1 is marked B and #2 is complete	Master CAP
# 1 is marked B and #2 is NOT complete	Send to CRU for review.

**If the I-907 form is included with the cap case, the cap case is considered as PP Master or PP Regular cap case accordingly.**

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Review and Acceptability WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0335</b> <b>3/3/14</b>	<b>Version No:</b> <b>V03</b>

## CAP FY15 Review & Acceptability

- Remove the contents of the envelope
  - Date stamp the envelope with the correct received date and annotate your VT# by date stamp.
  - Endorse Fees
    - Bring all fees to the top of each filing
    - Stamp each fee with "for deposit only". See example below:
- Example:** The fee can be endorsed in any of the shaded areas.



## Acceptable CAP Review (Matrix)

- Review to ensure that it is actually a "CAP" petition
  - Page 2 – Part 2 Question 1 should have one of the following classifications: H1B, 1B1, H1B1, H1B3 (if any other classification is listed sort as non-CAP)

**Note: If classification is blank or incomplete refer to supplement pages, company letter or the lawyer letter.**

- Page 18 – Part C:
  - Question 1 is marked "A" and answers to question 3 are all blank:
    - If there is no I-907 it is a **VRN** (Regular Cap)
    - If there is a I-907 it is a **VRP** (Premium Cap)
- Page 18 – Part C:
  - Question 1 is marked "B", questions in 2 are blank, incomplete or completed and answers to question 3 are all blank:
    - If there is no I-907 it is a **VMN** (Regular Masters Cap)
    - If there is a I-907 it is a **VMP** (Premium Masters Cap)

**Note: Premium / I-907's found at Lemnah 4 must be routed to Tabor – CAP Processing.**

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Review and Acceptability WORK INSTRUCTION</b>	
	<b>Document No: Revision Date:</b>	<b>R-VSC-0335 3/3/14</b>	<b>Version No: V03</b>

## CAP CRU Review and Non-CAP Review

- Page 18/19 – Part C – Question 1:
  - No blocks are checked; Route to CRU for Review
  - Multiple blocks are checked; Route to CRU for Review
  - "A" or "B" are marked and Questions in 3 are marked "E", "F", and/or "G"; Route to CRU for review.
  - "C" or "D" are marked; Non-CAP, Route to Tabor DE
- Page 18/19 – Part C - Question 3:
  - "A, B, C, H or I" is marked; Non CAP Route to Tabor DE
  - "D" is marked and no other blocks are marked; Route to CRU for review
- If pages 17, 18 and/or 19 are missing; route to CRU for review.

**Note: Files routed to Tabor Data Entry must be properly handled, including all fees receiving the "For Deposit Only" stamp.**

## Preparing CAP File(s) for Barcoding

- Annotate your VT# on the bottom of page 1 of the I-129 petition.
- Flag all concurrently filed petitions; I-907's and duplicate I-129 petitions.
- Place petitions into the appropriate file jacket. (Be sure to include any concurrently filed petitions, I-907's and the duplicate copy with the I-129 filing.
  - If multiple I-129 filings are found within an envelope, separate and place each individual filing in its own file jacket.
    - Review beneficiary name on Page 3 to verify
    - The original envelope will be placed with only one of the filings and the remainder of filing(s) will be placed in a file jacket without an envelope.
- Use the appropriate file jacket:
  - Green – PP (will have an I-907) (File Jacket will be used with tab down on the bottom right).

**Note: I-907's found at Lemnah 4 must be routed to Tabor – CAP Processing.**

- Brown – Non Premium (No I-907) (File Jacket will be used with tab down on the bottom right)

**Note: Non Premiums found at Tabor must be routed to Lemnah 4 – CAP Processing.**

- Secure contents into the file jackets using either a rubber band or staples.

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Review and Acceptability WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0335</b> <b>3/3/14</b>	<b>Version No:</b> <b>V03</b>

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## Sorting

After identifying and preparing the I-129, sort into the appropriate color-coded sort buckets:

- VRN = Vermont Regular Non-Premium (White)
- VRP = Vermont Regular Premium (Yellow)
- VMN = Vermont Masters Non-Premium (Golden Rod)
- VMP = Vermont Masters Premium (Pink)
- NON-CAP Mailroom = (Blue)
- NON-CAP Premium DE = (Green)
- CRU = (Light Purple)

---

**Trainer Signature/Date:** \_\_\_\_\_

**Trainee Signature/Date:** \_\_\_\_\_

**Holt, Cynthia L**

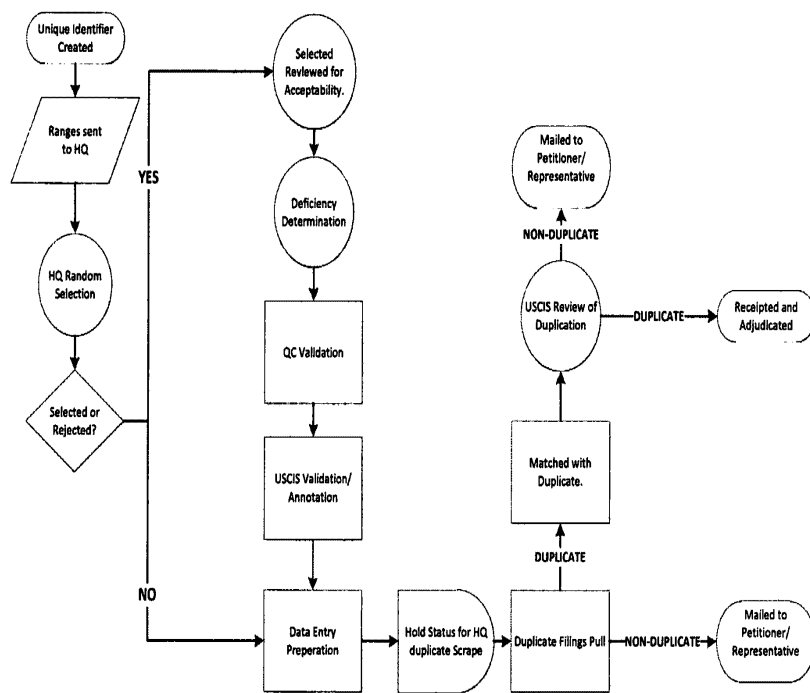
---

**From:** Gilbert, David J.  
**Sent:** Wednesday, February 12, 2014 12:51 PM  
**To:** Cullen, Janice L  
**Subject:** Completed Flow Chart  
**Attachments:** Cap Reject Flow.pdf

Janice,

Here is the completed flow chart for Steve. Please let me know if there is anything else you need. Thank you for such detailed notes!

*David Gilbert* | Immigration Services Analyst | DHS/USCIS/Vermont Service Center-Tabor | CPAU - Operational Support | DA-0045 | ZMD010 | [David.J.Gilbert2@uscis.dhs.gov](mailto:David.J.Gilbert2@uscis.dhs.gov)



## Holt, Cynthia L

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**From:** Cullen, Janice L  
**Sent:** Thursday, December 04, 2014 11:19 AM  
**To:** Beeson, Barton A  
**Cc:** Baker, Bonnie J; Yandow, Jacquelyn D; Stoddard, Becky M  
**Subject:** Filing for H1B cap

Good afternoon Bart.

I was looking at our reject log from last cap season. There were 800 petitions that were selected for cap but rejected because they were not acceptable as filed.

Some of the major reasons for rejection were the intended employment start date, issues with the LCA, and jurisdiction. It might be worth doing some reach out to the customers.

243 of the rejects had issues with the intended employment start date. The employment start date cannot be prior to 10/01/2015 and the petition cannot be filed more than 6 months in advance of the intended employment start date.

- Many times it's a typo in the year.
- Sometimes they are off by just a day. If we receive their petition on 04/01 and their employment date is 10/02 we have to reject as being more than 6 months out.
- Petitions that use terms like asap or upon approval or are left blank are also rejected. They must enter a date.
- Often times when there is an F1 student changing status to H1B, their employment start date is incorrect. Here is an example of what happens: If the student graduates in June and then gets 3 months of optional practical training, that keeps them in status until September. All too often the I129 is filed for the H1B status to start in September (the day after the F1 expires). They must not put a date prior to 10/01/2015 or they will be rejected. Please see this link which explains how the student is still covered for the gap between the F1 and when cap opens:

<http://www.uscis.gov/working-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/extension-post-completion-optional-practical-training-opt-and-f-1-status-eligible-students-under-h-1b-cap-gap-regulations>

197 had LCA issues. The LCA has to be complete, certified by DOL, and signed by the petitioner.

- They forget page 5.
- They submit an LCA that is in process or initiated, but not certified
- The LCA is certified and all pages are present but the petitioner didn't sign it.

160 were filed here at VSC and should have been filed at CSC. Jurisdiction is based on where the beneficiary will be performing the work. Not necessarily where the primary office of the company is. When there are multiple job locations we revert to the primary office address listed on page 1 of the petition. This rule is true even if the multiple locations are within the same state. Example: If they list 2 work locations both in St. Albans VT but the primary office on page 1 is in Chicago, IL, then they should file at CSC.

Also, beginning 02/23/15, USCIS will only accept the new edition of the Form I-129. (revision date of 10/23/14). The major filers tend to start getting their packets together months ahead of time. I'm hoping that with the cut off being only a little more than a month prior to cap that we don't get a ton of rejects for revision.

*Janice L. Cullen*

DHS | USCIS | VSC | Immigration Service Analyst | 802.527.4700 x 5075 | [Janice.Cullen@dhs.gov](mailto:Janice.Cullen@dhs.gov)

**Holt, Cynthia L**

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**From:** Stoddard, Becky M  
**Sent:** Friday, January 24, 2014 9:28 AM  
**To:** Cullen, Janice L; Yandow, Jacquelyn D; Putnam, Anne F; Bockus, Chantel M  
**Subject:** FW: Cap instructions  
**Attachments:** R-VSC-0333-V01 (CAP-15 Incoming Mail Work Instruction).doc; R-VSC-0335-V01 (CAP-15 Review and Acceptability Work Instruction).doc

FYI

Thanks,  
Becky

Becky Stoddard  
SISA  
VSC/CPAU/Clerical  
802-527-4700

(b)(6)

---

**From:**  (CTR) (b)(6)  
**Sent:** Friday, January 24, 2014 10:13 AM  
**To:**  Loughlin, Stephen J; Stoddard, Becky M;   
(CTR)  
**Subject:** Cap instructions

Steve/Becky,  
Here are the instructions we will be using for cap.

This is a draft only.

Thanks,

(b)(6)

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Incoming Mail WORK INSTRUCTION</b>	
	<b>Document No:</b>	<b>R-VSC-0333</b>	<b>Version No:</b>
	<b>Revision Date:</b>	<b>1/23/14</b>	<b>V01</b>

## CAP 15 Incoming Mail

### Incoming Mail Delivery

- Postal Mail picked up by Couriers – Deliver to Tabor Building loading dock
- Fed Ex (30 Houghton Mail only) - Deliver to Tabor Building loading dock
- UPS ( 75 lower Weldon mail) - Deliver to Lemnah 4
- UPS ( Lemnah 4 mail) - Deliver to Lemnah 4
- UPS (30 Houghton mail) Deliver to Tabor Building loading dock
- Fed EX (All other addresses ) - Deliver to Lemnah 4
- All other Outside Couriers - Deliver to Tabor Building loading dock
- All incoming mail will be scanned by Security prior to bringing in to the sort/incoming mail work area.

### Lemnah 4 Address Review

- Any mail addressed as ATTN: "CAP", "I-129", "H1B" or "Masters" will be sorted to appropriate tub to be opened.
- Any mail that does not address the above or references premium processing/30 Houghton street will be sorted and delivered to the Tabor Building unopened.

### Tabor Address Review

- Any mail addressed as ATTN: "CAP", "I-129", "H1B" or "Masters" and does not reference premium processing/30 Houghton street will be sorted and delivered to Lemnah 4.
- All mail including premium-processing/30 Houghton street will be sorted to be opened.

### Slicing & Identifying

- Check for mail that cannot be opened.** Check the address and make sure that there is no first and last name (if first/last name is found, bring to supervisor). If not move to next step.
- Review for suspicious package. (Follow proper procedures for suspicious packages).
- Open package and remove the contents making sure there is no hazardous material within the filing. (Follow proper procedures for suspicious packages).

- All other mail

- Lemnah 4 -

- sort to Tabor – endorse all fees

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- process as regular mail

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Incoming Mail WORK INSTRUCTION</b>	
	<b>Document No:</b>	<b>R-VSC-0333</b>	<b>Version No:</b>
<b>Revision Date:</b>	<b>1/23/14</b>	<b>V01</b>	

- If it is not a classification of H1B, 1B1, H1B1, H1B3 or blank on page 2, part 2 question 1 of the I-129 (can refer to supplement pages, the company letter or the attorney letter for the requested classification).
  - Lemnah 4
    - sort to Tabor – endorse all fees
  - Tabor –
    - process as regular mail
  
- If classification is H1B, 1B1, H1B1, H1B3 on page 2, part 2 question 1 of the I-129 or blank and supplement page 11, company letter or attorney letter indicates a H1B classification.
  - Lemnah 4 -
    - IF NON Premium filing – Process as NON PP CAP
    - IF Premium filing - sort to Tabor – endorse all fees
  - Tabor –
    - IF Non Premium filing - Sort to Lemnah 4– endorse all fees
    - IF Premium filing – Process as Premium CAP
  
- Locate page 18 part C, question 1 of the I-129 H-1B Data Collection Supplement – Anything marked "A" or "B" and a I-907 is present place in a premium tub.
  - - Process at Tabor –
  
- Locate page 18 part C, question 1 of the I-129 H-1B Data Collection Supplement – Anything marked "A" or "B" and a I-907 is **NOT** present place in a non-premium tub.
  - Process at Lemnah 4 .
  
- Locate page 18 part C, question 1 of the I-129 H-1B Data Collection Supplement – Anything marked "C" or "D" -
  - Process at Tabor
  
- If Petitions are being transported opened between buildings all Fees must be endorsed.
- Petitions being transported un-opened between buildings the fees will not be endorsed.

Trainer Signature/Date: \_\_\_\_\_

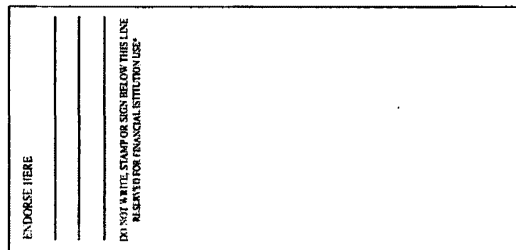
Trainee Signature/Date: \_\_\_\_\_

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Review and Acceptability WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0335 1/23/14</b>	<b>Version No:</b> <b>V01</b>

## CAP 15 Review & Acceptability

- Remove the contents of the envelope
- Date stamp the envelope with the correct receive date, and annotate your VT# by date stamp.
- Endorse Fees
  - Bring all fees to the top of each filing
  - Stamp each fee with "for deposit only". See example below:

**Example:** The check can be endorsed in any of the shaded areas.



## Acceptability

- Review to ensure that it is actually a "CAP" petition
  - Page 2 – Question 1 Should have one of the following classifications: H1B, 1B1, H1B1, H1B3 (If not one of these classifications or classification is blank refer to supplement pages, company letter or the lawyer letter).
  - Page 18 – Part C – Question 1 Anything marked "A", ensure Question 3 is blank and no I-907 is present. If so, it is a **VRN** (Regular Cap)
  - Page 18 – Part C – Question 1 Anything marked "A", ensure Question 3 is blank and an I-907 is present. If so, it is a **VRP** (Regular Premium Cap)
  - Page 18 – Part C – Question 1 Anything marked "B", ensure Question 2 is completed and Question 3 no blocks are checked with no I-907. If so, it is a **VMN** (Regular Masters)
  - Page 18 – Part C – Question 1 Anything marked "B", ensure Question 2 is completed and Question 3 no blocks are checked with an I-907. If so, it is a **VMP** (Regular Premiums Masters CAP)
- Page 18 – Part C – Question 1 Anything marked "C" or "D" is NON-CAP
- Page 18 – Part C – Question 1 If no blocks are checked, Route to CRU
- Page 18/19 – Part C - Question 3 "a, b, c, h or i" is marked – Non CAP and CSC jurisdiction
- Page 18/19 – Part C - Question 3 "d" is marked and no other blocks are marked – CRU Review

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<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Review and Acceptability WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0335 1/23/14</b>	<b>Version No: V01</b>

• Page 18/19 – Part C – Question 3”d” is marked and “e, f, and or G is marked – NON CAP

- Put contents into appropriate file jacket. (File Jacket will be used with tab down on the bottom right)
- Green – PP (will have 907)
- Brown – Non PP
- Flag all riding petitions, 907’s, as well as duplicates.
- Secure file jacket with a rubber band to ensure contents will stay in place.

---

## Sort For Acceptability

After identifying and preparing the I-129, sort into the appropriate color-coded sort buckets:

- VRN = Vermont Regular Non-Premium (White)
- VRP = Vermont Regular Premium (Yellow)
- VMN = Vermont Masters Non-Premium (Golden Rod)
- VMP = Vermont Masters Premium (Pink)
- NON-CAP Mailroom = (Blue)
- NON-CAP Premium DE = (Green)
- CRU = (Light Purple)

---

Trainer Signature/Date: \_\_\_\_\_

Trainee Signature/Date: \_\_\_\_\_

**Holt, Cynthia L**

---

**From:** Cullen, Janice L  
**Sent:** Wednesday, March 27, 2013 10:21 AM  
**To:** O'Brien, Katie L; SCOSS VSC Admin; Baker, Bonnie J; Baril, Mary B; Brown, David T; Burnor, Joyce A; Chrysler, Deborah A; Dougherty, Andrew W; Duhamel, Penelope J; Farnham, Katina C; Fon Eisen, Lovissa M; Goodrich, Debra M; Hall-Archambault, Melissa R; Hoffman, Christopher J; Hulbert, Jennifer A; Lamos, Becky A; Langevin, Andrew P; Lawrence, Danielle M; Neveau, Monica M; Page, Colleen P; Russell, Linda I; Webb, Sarah A  
**Subject:** FW: CAP season training - fee acceptance  
**Categories:** Janice

FYI

*Janice L Cullen*

DHS | USCIS | VSC | Immigration Service Analyst | 802.527.4700 x 5075 | Janice.Cullen@dhs.gov

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**From:** Peck, Denis R  
**Sent:** Wednesday, March 27, 2013 10:58 AM  
**To:** Loughlin, Stephen J; Fries, Juliet M; Stoddard, Becky M; Hallam, Larry J  
**Cc:** Tu, David J; Sweeney, Shelly A; Aucoin, Lauren  
**Subject:** CAP season training - fee acceptance

One final reminder as the contractor trains their people this week – this February 27 response we gave AILA on accepting fees with minor non-material errors. I know I've sent this previously but it merits a second time. Our people should be aware of this as well.

2. The validity of filing fee checks is a frequent cause of erroneous rejections. Examples in the past include instances where a check has been rejected due to a non-material typographical error, or where the contents of the "payee" line and/or the "amount" line are transposed or misaligned, or where an electronically-generated check signature is itself electronically generated. In these examples and others, submitters report that financial institutions would have honored the checks. Regulations at 8 CFR 103.2(a)(7)(ii) provide USCIS with recourse if a filing fee check is returned as non-payable. Moreover, the erroneous rejection of any petition – much less a cap-subject one – can have grave consequences, and is burdensome on both USCIS and stakeholders. We therefore ask that Service Centers be more flexible in determining whether to reject a filing fee check, and more cautious in the rejection of filing fees, and petitions, on the basis that a check is facially invalid.  (b)(6)

**Response:** Petitioners should ensure that the filing fee checks contain no errors before sending it to USCIS. However, the centers will extend leeway in accepting fees, allowing for the above described non-material errors.

Denis Peck  
Chief, Records Management Branch

SCOPS/USCIS/DHS  
20 Massachusetts Avenue, NW Room 2126  
Washington, DC 20529  
202-272-1081

## I-129 H1B Cap: Includes H1B2 and H1B3

**Summary:** H1B has to be counted toward the cap before they can file an extension. The cap opens once a year, 4/1 with a start date of 10/1. The government only allows so many applicants per year. When we have hit the cap your supervisor will let you know. After we hit the cap you will need to reject the petition. If Masters cap is met before Reg cap, petitioners can check off Reg cap, and complete Master cap information, instruct DE to Key as Masters (b) so count will go into the Reg cap count.

**General Rule:** If you have any doubts, don't change the petition. If the applicant filled out the application incorrectly then we are not liable for the error. If you run into anything different or if something just doesn't seem right, bring the file to the Supervisor or the Lead Analyst.

<b>Part C</b> (pg 20) If Sec.3.1, c or d are marked then,	<p><b>Non-cap</b>, no need to go further. The H1B case is not subject to cap and it is a H1B-Extension.</p> <p><b>No cap label is required.</b> Follow the current procedure for handling H1B-Extension cases.</p> <p><b>J-1 Waiver/nonimmigrant physician= cap Exempt</b></p>
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<b>Revision Dates:</b>	I-129: 10/23/2014 and after are acceptable. If prior = Reject
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<b>H1B needs:</b>	<ul style="list-style-type: none"> <li>• Base Fee</li> <li>• ACWIA Fee</li> <li>• Fraud Fee and (ESABSA fee per Page 19, Sec 1.1d &amp; d.1)</li> <li>• Pages 1-6, pages 7 &amp; 8 optional</li> <li>• Supplement Pages 13 &amp; 14</li> <li>• 129W/Data Collection Pages 19, 20 &amp; 21</li> <li>• LCA</li> </ul>
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<b>Rejecting:</b>	<ul style="list-style-type: none"> <li>• Stamp page 6 of the I-129 with the <b>current day</b>. Write a word as to why the filing is being rejected.</li> <li>• When rejection for a bad check, include the check number.</li> <li>• When accepting the filing, but only rejecting for PP fee/I-907, etc, it is OK to use the standard Call-up reject codes. Place aside, these will be done later.</li> <li>• Rejects are done by completing a Reject sheet.</li> </ul>
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<b>Fees needed:</b>	<ul style="list-style-type: none"> <li>• Base Fee: \$325</li> <li>• Fraud Fee: \$500; (ESABSA Fee \$2000)</li> <li>• ACWIA Fee: \$750 (1-25 employees) or \$1500 (26 or more), See ACWIA Fee section</li> <li>• If the fees are incorrect, look through the file. They may have marked a box incorrectly on Page 2, part 2, # 2 &amp; #4. Also review Page 20 for the correct ACWIA fee, or ESABSA fee on page 19.</li> </ul>
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<b>ACWIA fee:</b>	<ul style="list-style-type: none"> <li>• ACWIA Fee is not needed if a box on the 129W Sec. 2, is checked yes.</li> <li>• Verify on page 5, part 5, #14 for the number of employees</li> <li>• If they sent in an ACWIA Fee, and you can't determine how much they need, accept whatever they sent in and the adjudicator will determine it.</li> <li>• Beneficiary cannot pay this fee.</li> <li>• If they state they have for example 10 in the US and 1000 worldwide, only the US workers are counted.</li> </ul>
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<b>Fraud Fee:</b>	<ul style="list-style-type: none"> <li>• They need to pay the \$500 Fraud Fee.</li> <li>• If page 19, Sec 1.1d &amp; d.1 are both Yes, \$2000 fee is required on new/initial filings. If they are blank, go to Page 5, #14 for # of employees, if under 50, ESABSA is not needed. If over 50, reject incomplete submission, data collection pages/\$2000 fee.</li> </ul>
-------------------	--

<b>G-28:</b>	<ul style="list-style-type: none"> <li>• Only new revision (02/28/13) accepted after May 26, 2013.</li> <li>• The lawyer cannot have someone else sign for them w/o a POA.</li> <li>• If the G-28 is invalid, but there is a POA for the lawyer then the POA over rides the G-28.</li> <li>• Petitioner must sign the G-28.</li> <li>• The lawyer's signature name on page 2 must match the same typed name on page 1.</li> <li>• Facsimile stamps are not acceptable.</li> </ul>
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<b>Signature: Page 6</b>	<ul style="list-style-type: none"> <li>• Page 6, must be signed by the petitioner.</li> <li>• If missing, reject</li> <li>• Must be original, if not, reject</li> <li>• If they didn't sign in the correct spot, even if they use an arrow, then reject for no signature.</li> <li>• If the lawyer's name is in the C/O field on page 1, he cannot sign throughout the file unless he works for the company.</li> <li>• If you need to reject for signatures, indicate which signatures.</li> </ul>
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<b>LCA:</b>	<ul style="list-style-type: none"> <li>• Acceptable versions are 9035 &amp; 9035E</li> <li>• Must submit a complete and signed and certified LCA. If not, reject</li> <li>• It must be certified on the last page.</li> <li>• If LCA is certified and the only problem is that DOL signature is missing, accept and instruct DE to forward to CPAU after keying.</li> <li>• LCA certified and any page 1-5 is missing, reject</li> <li>• Petitioner signature must be present on Page 4. Can be a photocopy, if not present, reject</li> <li>• If LCA states In Process, Initiated or Denied, reject</li> <li>• <b>H1B2</b> can have an LCA or a DOD letter, with a seal</li> </ul>
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<b>Page 2, Part 2:</b>	<ul style="list-style-type: none"> <li>• Review part 2 question #1. Classification = H1B; sort to proper classification</li> <li>• Review part 2 which should be one of the below combinations.</li> </ul> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>#2</td> <td>#4</td> </tr> <tr> <td>A</td> <td>A/B/D</td> </tr> <tr> <td>D</td> <td>A/B/D</td> </tr> <tr> <td>E</td> <td>A/B/D</td> </tr> </table> <ul style="list-style-type: none"> <li>• If page 2, part 2, #2 is blank, the part 2 information will be treated as though it was marked "A".</li> <li>• If page 2, part 2, #4 is blank, look through the file to see if you can figure out what they are filing for. If they are not living in the states and they have the consult section filled out key "A". If they are living in the states and they are under a different classification then key "B".</li> <li>• If #4 is marked "C", and is cap, instruct DE to key "D".</li> <li>• If (1st) company cap exempt, bene approved to work for 2nd company as concurrent employment but wasn't granted a cap number. Then 2<sup>nd</sup> company wants to employ bene (soley - not concurrent any more) and is filing for a cap number, we can accept as B &amp; C, and Fraud Fee not needed, and key Page 20, Sect 2.5 =no.</li> </ul>	#2	#4	A	A/B/D	D	A/B/D	E	A/B/D
#2	#4								
A	A/B/D								
D	A/B/D								
E	A/B/D								

<b>Page 2, Part 5:</b>	<ul style="list-style-type: none"> <li>• There can only be one beneficiary.</li> </ul>
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<b>Pages 2 &amp; 3, Part 3</b>	<ul style="list-style-type: none"> <li>• This needs to be filled out if left blank then reject for incomplete.</li> <li>• If DOB is missing, look through the file to see if you can find it, if not reject for incomplete.</li> <li>• If DOB is a leap year, then have DE use 3/1.</li> </ul>
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<b>Intended Employment Date:</b> <b>Page 5, 5.11</b>	<ul style="list-style-type: none"> <li>• <b>H1B and H1B3</b> start date has to be 10/1/(applicable FY) or after, if prior, reject</li> <li>• <b>H1B2</b> start dates are not met each year, 50 per year.</li> <li>• The start date cannot be more than 6 months out.</li> <li>• This cannot be left blank. Reject for incomplete start date</li> <li>• Never change start date, if ASAP, upon approval, or any other annotations in place of a start date, reject</li> </ul>
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<b>Jurisdiction</b> <b>Page 5, 5.3</b>	<ul style="list-style-type: none"> <li>• Review page 5, part 5, #3 &amp; #4, and also page 8. If they have multi locations in this block, (even if all locations are in our jurisdiction) look on page 1 at the company address. If not our jurisdiction reject.</li> <li>• Review Pages 19 &amp; 20, Sec. 2, if either #1, #2, or #3, is marked yes, and petition pertains to medical/universities/or non-profit, <b>need to reject for jurisdiction, non-cap.</b></li> </ul>
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<b>I-129 Data Collection Supplement</b> If they are missing pages, reject
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<b>Page 19, Section 1</b>	<ul style="list-style-type: none"> <li>• If part d &amp; d1 are both <b>Yes</b>, \$2000 fee is required on new/initial filings. If they are blank, go to Page 5, #14 for # of employees, if under 50, ESABSA fee is not needed. If 50 or more, reject incomplete I129W. If <b>Yes and No</b>, or <b>No and No</b>, and sent fee-reject as not needed if separate check. Combined fees, reject entire filing.</li> <li>• #2, Level of education must be marked. Look through the file to see if you can find anything, or Pg 20, Sec.3</li> <li>• #3, Primary field of study must be filled out. Look through the file to see if you can find anything. If not, instruct DE to either leave blank or use NONE.</li> <li>• #4, if blank, review page 5, part 5, #9, or it will be on the LCA.</li> </ul>
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<b>Page 19 &amp; 20 Section 2</b>	<ul style="list-style-type: none"> <li>• If blank and ACWIA fee is attached, key as all No's.</li> <li>• If #9 is not marked, this determines the ACWIA Fee. Review page 5 part 5, #14 for the number of employees, if that is blank also, accept filing as is, the adjudicator will determine.</li> <li>• If either 1, 2, or 3 are <b>Yes</b>, as non-profit, etc., reject for jurisdiction.</li> </ul>
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	<ul style="list-style-type: none"> <li>•</li> </ul>
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**Page 20,  
Section 2 &  
3**

- If Sec.2 #4 is checked "yes" then it is not subject to the cap.
- If Sec.2 #7 is Yes, the ACWIA fee is submitted, reject as not needed for separate check.
- If Sec.3 #1b is checked, and #2 is not complete, look in the cover letter Bene information for U.S Master's Degree information, and indicate on the CRU sheet. "Masters filing". If not found indicate Regular, block a.
- If Master Degree and no date, review filing, if hasn't received degree, will need to count as regular cap.
- If Master Degree is outside of U.S., need to count as regular cap.
- Page 21, Sec.3 should be blank, if marked may not be cap, or had previous H1B cap exempt, and now filing cap
- J1 Waivers are cap exempt.
- If **concurrently filing** with an I-539 and part 2.5 is marked A, check the I-539. If it is not an extension or a change of status then the I-539 may not be needed.

**Helpful  
Hints:**

- An H1B1 can count for a Regular H1B cap
- In Sec.3.1=d, and something is marked in Sec.3.3, then it's not subject to the cap, check GUI
- If Sec.3.1 =a or b and nothing is marked in Sec. 3.3, it is cap
- If (1) company, and then (2) company is concurrent, and now same company (2) is filing cap, we can accept as B & D, and Fraud Fee not needed, and Key Sec.2#5=no.
- If they are filing concurrently (D & C) and they are not a cap exempt employer and the other company is a cap exempt, then this filing is a cap exempt as well.
- Concurrent D & C, prev was cap, so now this filing is Non-Cap.
- If received an amended petition with cap review. Check the previous petition to see if it was approved. If it was but they haven't started yet, the amended petition is not a cap. Change Sec.3.1=d and e on pg. 21.
- If sending in an amended petition and this one is cap subject, and the previous filing has not been worked, F & B are marked, Page 20 not marked, and pages 20 & 21 appear to be cap, treat as cap, need Base and ACWIA fee.
- If they were approved and counted towards the cap, but they never started working, they are not subject to the cap again. Treat as non cap.
- If same Company and they have a WAC filing that is not completed, could be cap.
- If they had an H1B over 7 yrs ago and out of the country for 1 yr, can file a new cap with same company or new company.
- If they had previous H1B and GUI indicates it was **Revoked without an intent or Withdrawn** it was still counted toward the cap. Treat as non cap.
- If there was an **intent to revoke** before the revocation and there is no other H1B approval case. Treat as a cap case.
- If a Bene is waiting for their I-140 approved visa, they can keep filing I-129 extension, even past 6 yrs.
- If the owner of the company is applying for an H1B for themselves, they can do that. But, they are supposed to file an L. ADJ will review.
- If COB is Chili or Singapore, review for HSC. If so, it will be a HSC cap, refer to the Free Trade guidelines.
- H1B2 cap numbers have never been met.
- I-566 form changing status from an A, G, or NATO, leave as support.
- Institute of Higher Education & Non-Profit are cap exempt.
- First filing w/ same Co was denied, was a cap, now sending in another w/same Co, treat as cap.
- 1<sup>st</sup> cap filing=denied, and M&A in process, they send in another w/same Co, treat as cap,

**Holt, Cynthia L**

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**From:** Cullen, Janice L (b)(6)  
**Sent:** Thursday, February 21, 2013 3:39 PM

**To:**



**Cc:** Yandow, Jackie D; Loughlin, Stephen J; Stoddard, Becky M; Baker, Bonnie J  
**Subject:** H1B CAP reject letter  
**Attachments:** H1B Reject CRU Letter CAP12.doc

**Categories:** Janice

Attached is the cap reject letter.

*Janice L. Cullen*

DHS | USCIS | VSC | Immigration Service Analyst | 802.527.4700 x 5075 | [Janice.Cullen@dhs.gov](mailto:Janice.Cullen@dhs.gov)

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
75 Lower Welden Street  
St. Albans, VT 05479



U.S. Citizenship  
and Immigration  
Services

Notice Date:

Form No: I-129 H1B Cap Reject

Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you.

- The remittance you submitted is incorrect, incomplete, or missing
  - Base Fee - \$325
  - Fraud Fee - \$500 and/or \$2000
  - ACWIA Fee - \$750 (with 25 or less employees) or \$1500 (with 26 or more employees)
  - Premium Fee - \$1225
- The remittance you submitted is not acceptable due to the following reason
  - Incorrect Payee
  - Not Signed
  - Is no longer valid
  - Incorrect Guarantee Amount
  - Not needed
- The ACWIA Fee must be paid for by the petitioner or representative; it cannot be submitted by the beneficiary
- Your submission is incomplete and/or is missing page(s) \_\_\_\_\_
- You have requested an **incorrect** or **incomplete** employment start date. The start date cannot be prior to 10/01/2013. An I-129 petition may not be filed more than six months prior to the intended employment start date.
- Your submission is not accompanied by a certified, signed Labor Condition Application (LCA), or you are missing pg 5.
- The signature(s) on G-28 and/or page 6, are missing, not original or not signed by the petitioner
- Page 3 of your I-129 filing is missing the Beneficiary information
- The revision date on your submission is no longer valid
- Your place of employment falls under the jurisdiction of the California Service Center

If you feel your submission was rejected improperly, please re-submit with an explanation to why you feel it was improperly rejected to the attention of CRU Supervisor at the following address. **All documents and fees that were originally submitted must be included in your re-submission.**

USCIS  
Attn: CRU Supervisor  
75 Lower Welden Street  
St. Albans, VT 05479

Sincerely,

Daniel M. Renaud  
Center Director

Information concerning CIS forms and filing instructions is available from the CIS Forms Request Line, 1-800-870-3676 (Toll Free). This information as well as the aforementioned press releases, is also available at the USCIS internet website at [www.uscis.gov](http://www.uscis.gov)

## Acceptability Review for I-129 CAP (FY 15) CAP Quick Reference Sheet

**Review the following for acceptability:**

I129 H1B Pages Needed: 1-6, 11&12, 17 – 19, and LCA, if any pages are missing reject.  
Revision Date: 11/23/10 and after, if earlier than 11/23/10, will need to reject

### Page 2 - Part 2

#2 should be: Blocks A, D or E  
#4 should be: Blocks A, B, or D (If C, change to D) due to previous WAC Cap Exempt filings

Any other blocks, may not be CAP, still continue with process

### Page 3 - Part 3

#1 Beneficiary Name, if all name fields are blank reject as incomplete  
If only missing DOB, COB, or COC, review petition for information

### Page 4 - Part 4

#8a =No, if Yes see Analyst

### Jurisdiction

#### Page 4 - Part 5

#3 check jurisdiction list, if multi locations go back to page 1 address. If rejecting, stamp Page 6 with Verify Stamp, and annotate "Jurisdiction Pg 4 = state(s) work location. For multi locations also Page 1 = state."

#### Page 17 - Part B

If either blocks 1, 2, or 3 are checked Yes = reject for CAP-exempt, jurisdiction. Do not use blue reject sheet. Use I129#45.

<b>Jurisdiction Review</b>	<b>State Chart with Abbreviation</b>	
<b>State Chart</b>		
	<b>VSC Jurisdiction States:</b>	<b>CSC Jurisdiction States:</b>

Alabama (AL), Arkansas (AR), Connecticut (CT), Delaware (DE), the District of Columbia (DC), Florida (FL), Georgia (GA), Kentucky (KY), Louisiana (LA), Maine (ME), Maryland (MD), Massachusetts (MA), Mississippi (MS), New Hampshire (NH), New Jersey (NJ), New Mexico (NM), New York (NY), North Carolina (NC), Oklahoma (OK), Pennsylvania (PA), Puerto Rico (PR), Rhode Island (RI), South Carolina (SC), Tennessee (TN), Texas (TX), Vermont (VT), Virginia (VA), U.S. Virgin Islands (VI), or West Virginia (WV).	Alaska (AK), Arizona (AZ), California (CA), Colorado (CO), Guam (GU), Hawaii (HI), Idaho (ID), Illinois (IL), Indiana (IN), Iowa (IA), Kansas (KS), Michigan (MI), Minnesota (MN), Missouri (MO), Montana (MT), Nebraska (NE), Nevada (NV), North Dakota (ND), Ohio (OH), Oregon (OR), South Dakota (SD), Utah (UT), Washington (WA), Wisconsin (WI) or Wyoming (WY).
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**Page 5 - Part 5**

#10 Dates of employment

Must be 10/01/14 or later

If pre 10/01/14 reject

If blank or any information (ASAP) other than the date is listed reject

**Page 6 - Part 7**

Signature Field

Signature must be original, and by the Petitioner

Signature anywhere in part 7 is acceptable

Power of Attorney (POA) letters are acceptable

If not the above, reject for signature

**Pages 17, 18, 19, H1B Data Collection Supplement**

Part A, question #1e:

An additional fee of \$2,000 must be submitted if the petitioner responded "yes" to both questions

**Part B**

Question #1 through #8 should all be NO

Any question answered YES consider as a ACWIA Fee Exempt case, see analyst

If 1 thru 8 are all blank, and the Acwia fee is enclosed, accept 1 thru 8 as all No's.

Any other question left blank see analyst for review

**Part B**

Question # 9

If marked NO = \$1,500 ACWIA fee is needed

If marked YES = \$750 ACWAI fee is needed

Verify I-129 petition, Page 5, Part 5, #13

**Part C**

Block a Regular CAP

Block b Master CAP:

#2 needs to be completed for Masters, if not review Beneficiary information in cover letter  
Page 19, part C should be blank

#### **LCA**

If no LCA attached – reject petition  
Must be certified, and include all Pages 1-5, if not reject  
Page 4, Section K #5 needs petitioner's signature, can be copied or original  
Page 5, signature needed by DOL

#### **I-907 Request for Premium Processing**

Revision Date: No earlier than 8/10/09

**If only the I-907 or fee are being rejected, do not use the blue reject sheet**, indicate the call-ups below on the I-129 CAP CRU Review Green Sheet. These will be placed in a separate box for I-907 issues. On the daily count sheet record as Accept as REG/MAS and reject as I-907.

Page 1, Part 2, if blank – reject PP#36. If missing partial information, review filing and indicate the information in red ink in the blocks.

#### **Signature Field & Check issues:**

Must be original, and signed by Petitioner, or Attorney if a G-28 is present.

If the G-28 is invalid, and Attorney signed Page 2 Part 3, reject: G28#01, and PP#1

I-907 missing page 2: reject PP#3

I-907 W/O fee, or incorrect fee, or not signed: reject PP#1

I-907 submitted fee only, and missing I-907 form: reject PP#5

#### **G-28**

G-28 must be complete.

Petitioner signature must be original.

Attorney signature must be original. Stamped signatures are not acceptable.

#### **Fees:**

**Please note: ACWIA fee cannot be paid by beneficiary**

**If returning any unneeded fees/only fees, do not use CAP reject blue sheet, use I-129 call-ups.**

Scenario #1		Scenario #2		Scenario #3		Scenario #4	
Base	\$325	Base	\$325	Base	\$325	Base	\$325
Fraud	\$500	Fraud	\$500	Fraud	\$500	Fraud	\$500
ACWIA	\$750	ACWIA	\$1,500	ACWIA	\$750	ACWIA	\$1,500
				Premium	\$1,225	Premium	\$1,225
TOTAL:	\$1,575	TOTAL:	\$2,325	TOTAL:	\$2,800	TOTAL:	\$3,550
*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000	*P.L. 111-230 Fee	\$2,000
TOTAL:	\$3,575	TOTAL:	\$4,325	TOTAL:	\$4,800	TOTAL:	\$5,550

**HSC = Singapore/Chile CAP = H1B1**  
**Beneficiary is a citizen of Chile or Singapore**

Part 2 Question 4 cannot be block (a)  
 First time filings will need to be rejected I-129#05  
 Cannot file Premium Processing, reject PP#27

**To determine HSC: see below**

Fees needed: Base Fee, ACWIA Fee, (Fraud Fee is not required)

Page 2: Blocks a & e, or Blocks a & f will be checked

Pages needed:

Pages 1- 6

Supplement page 10, section 1, blocks c or d indicating Chile or Singapore Free Trade

Data Collection Pages 17, 18, and 19; Page 18 Part C #1 = c

LCA, Page 1 Part A, #1= H1B1 Chile or Singapore

Also, review the cover letter for any indication of Free Trade, and Records I129 H1B

Guidelines: 03/12/2012

If all the above is determine and acceptable, indicate HSC on the worksheet.

If missing any of the above, and unsure, see an analyst

Extra notes from previous CAP years:

If concurrent & with same company, previous CAP Exempt, the Fraud Fee is not needed.  
Key F and D. Use I129#20 to return Fraud Fee, if separate check.

If Page 18, Part B, #7 is Yes, for primary or secondary education, the Acwia Fee is not needed.  
If the Acwia fee is submitted, reject, use I129#20 if separate check.

Last year some filings were missed when bar coding for the random generator. When they were located in the boxes, they were accepted. If found, add to the daily count sheet, inform (b)(6) the Company, Beni, and PP or NON-PP, and REG or MAS.

I129 CAP/with I539 rider: The I-539 S/B classification of H4.

If I-129 is acceptable and only the I-539 needs to be rejected, see the issues below:

No Signature = Sign#03

Copied Signature = Sign#01

No Fee = Pay#05

Missing Pages = Misc#07

<b>SCOSS Team</b>	<b>Contract:</b>	DHS USCIS-SCOSS	
	<b>Service Center:</b>	VSC	
	<b>Name:</b>	CAP Incoming Mail <b>WORK INSTRUCTION</b>	
	<b>Document No:</b>	R-VSC-0333	<b>Version No:</b>
<b>Revision Date:</b>	1/28/14	V03	

## CAP 15 Incoming Mail

### Incoming Mail Delivery

- Postal Mail picked up by Couriers - Deliver to Tabor Building loading dock
- Fed Ex/UPS (30 Houghton Mail only) - Deliver to Tabor Building loading dock
- Fed Ex/UPS (75 Lower Welden mail) - Deliver to Lemnah 4
- Fed Ex/UPS (Lemnah 4 mail) - Deliver to Lemnah 4
- All other Outside Couriers - Deliver to Tabor Building loading dock
- All incoming mail will be scanned by Security prior to bringing into the sort/incoming mail work area.

### Mail Review

- Check for mail that cannot be opened. Check the address and make sure that there is no first and last name (if first/last name is found, bring to supervisor).
- Review for suspicious package. (Follow proper procedures for suspicious packages).

### Lemnah 4 Address Review

- Any mail addressed as ATTN: "CAP", "I-129", "H1B" or "Masters" will be opened.
- Any mail that does not address the above or references premium processing/30 Houghton Street will be sorted and delivered to the Tabor Building unopened.

### Tabor Address Review

- Any mail addressed as ATTN: "CAP", "I-129", "H1B" or "Masters" and does not reference premium processing/30 Houghton Street will be sorted and delivered to Lemnah 4.
- All mail including premium processing/30 Houghton Street will be opened.

### Slicing & Identifying

- Open package and remove the contents making sure there is no hazardous material within the filing. (Follow proper procedures for suspicious packages).
- Review classification for H1B, 1B1, H1B1, H1B3 on page 2, part 2, question 1 of the I-129. If classification is blank or incomplete go to supplement page 11, the company letter or attorney letter.
- Locate page 18 part C, question 1 of the I-129 H-1B Data Collection Supplement - Anything marked "A" or "B" and an I-907 is present place in a premium tub.
  - - Process at Tabor -

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Incoming Mail WORK INSTRUCTION</b>	
	<b>Document No:</b>	<b>R-VSC-0333</b>	<b>Version No:</b>
<b>Revision Date:</b>	<b>1/28/14</b>	<b>V03</b>	

- Locate page 18 part C, question 1 of the I-129 H-1B Data Collection Supplement – Anything marked "A" or "B" and an I-907 is NOT present place in a non-premium tub. –
  - Process at Lemnah 4.
  
- Locate page 18 part C, question 1 of the I-129 H-1B Data Collection Supplement – Anything marked "C" or "D" -
  - Process at Tabor as regular mail
  
- If it is NOT a classification of H1B, 1B1, H1B1, H1B3 or blank on page 2, part 2, question 1 of the I-129 (can refer to supplement pages, the company letter or the attorney letter for the requested classification).
  - Lemnah 4
    - sort to Tabor – endorse all fees
  - Tabor –
    - process as regular mail
  
- All other mail
  - Lemnah 4 -
    - sort to Tabor – endorse all fees
  - Tabor –
    - process as regular mail
  
- If Petitions are being transported opened between buildings all Fees must be endorsed.
- Petitions being transported un-opened between buildings the fees will not be endorsed.

Trainer Signature/Date: \_\_\_\_\_

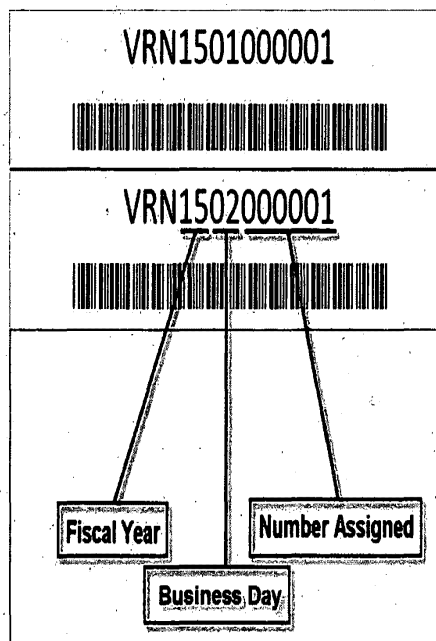
Trainee Signature/Date: \_\_\_\_\_

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Barcode Process WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0334 3/22/14</b>	<b>Version No: V02</b>

## CAP FY2015 I-129 Bar-Coding

### Barcodes for File Jacket

- VRP1501000001 = VRP is for Vermont Regular Premiums
- VRN1501000001 = VRN is for Vermont Regular Non-Premium
- VMP1501000001 = VMP is for Vermont Master Premiums
- VMN1501000001 = VMN is for Vermont Master Non-Premium



- For all CAP Mail that is received:
  - 4/1/2014 use barcodes beginning with 1501.
  - 4/2/2014 use barcodes beginning with 1502.
  - 4/3/2014 use barcodes beginning with 1503.
  - 4/4/2014 use barcodes beginning with 1504.
  - 4/5/2014 and 4/7/2014 use barcodes beginning with 1505.

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Barcode Process WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0334 3/22/14</b>	<b>Version No:</b> <b>V02</b>

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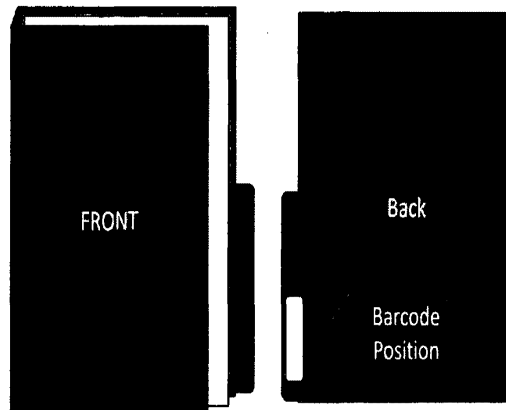
**Barcodes with NFTS codes for the boxes**

- Each box will have an NFTS Barcode placed on the outside of the box in the bottom right hand corner.
  - Marble Room:
    - SX – will be for CAP VRP – Yellow Crate Sheet
    - SZ – will be for CAP VMP – Pink Crate Sheet
  - Lemnah 4:
    - SW – will be for CAP VRN – White Crate Sheet
    - SY – will be for CAP VMN – Golden Rod Crate Sheet

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**Process**

- Take the identified tub of mail and remove the file jackets and place the appropriate barcode label according to its sort on each file jacket. Rear of the tab which is orientated on the right side – tab down.



- Place the barcoded files in a box.
- Affix the appropriate crate sheet being sure that the identified crate sheet matches the barcodes on the file jackets. (example: VRP crate sheet will have VRP barcode on all of the files in the box).
- Use a dolphin, wand the barcode on the box then wand all the barcodes on the file jackets that are in the box. – Annotate your initials on the crate sheet in case you need to identify your box easily later in the process.
- Once one pallet or section is completed scanning, download the corresponding Dolphin(s) Information using NFTS.

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Barcode Process WORK INSTRUCTION</b>	
	<b>Document No:</b>	<b>R-VSC-0334</b>	<b>Version No:</b>
<b>Revision Date:</b>	<b>3/22/14</b>	<b>V02</b>	

**Quality Review**

- 
- Using NFTS: Perform a "File listing by Section/Responsible Party" for the box numbers which were just downloaded. – Receipt Files / Excel Format.
  - Using the Conversion utility, "CAP BOX AND NUMBER CHECK". To review and resolve any items that are identified (missing files, missing box numbers, etc...)
    - Re-run the report each time you make any updates.
    - Once the updates are completed, the Dolphins can be "Erased"
  - Print a copy of the Final "File listing by Section/Responsible Party" and attach it to the Pallet/Section
    - Pallets will be shrink wrapped once the download review process is complete.
- 

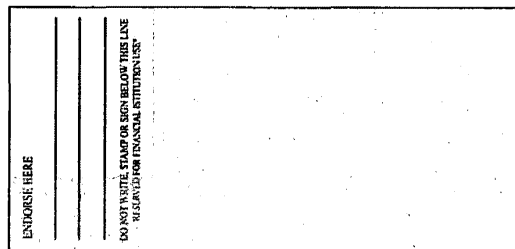
**Trainer Signature/Date:** \_\_\_\_\_

**Trainee Signature/Date:** \_\_\_\_\_

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP FY15 Review and Acceptability WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0335 3/14/14</b>	<b>Version No:</b> <b>V04</b>

## **CAP FY15 Review & Acceptability**

- Remove the contents of the envelope
  - Date stamp the envelope with the correct received date and annotate your VT# by date stamp.
  - Endorse Fees
    - Bring all fees to the top of each filing
    - Stamp each fee with "for deposit only". See example below:
- Example:** The fee can be endorsed in any of the shaded areas.



## **Acceptable CAP Review (Matrix)**

- Review to ensure that it is actually a "CAP" petition
  - Page 2 – Part 2 Question 1 should have one of the following classifications: H1B, 1B1, H1B1, H1B3 (if any other classification is listed sort as non-CAP)

**Note: If classification is blank or incomplete refer to supplement pages, company letter or the lawyer letter.**

- Page 18 – Part C:
  - Question 1 is marked "A" and answers to question 3 are all blank:
    - If there is no I-907 it is a **VRN** (Regular Cap)
    - If there is a I-907 it is a **VRP** (Premium Cap)
- Page 18 – Part C:
  - Question 1 is marked "B", questions in 2 are blank, incomplete or completed and answers to question 3 are all blank:
    - If there is no I-907 it is a **VMN** (Regular Masters Cap)
    - If there is a I-907 it is a **VMP** (Premium Masters Cap)

**Note: Premium / I-907's found at Lemnah 4 must be routed to Tabor – CAP Processing.**

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## CAP CRU Review and Non-CAP Review

- Page 18/19 – Part C – Question 1:
  - No blocks are checked; Route to CRU for Review
  - Multiple blocks are checked; Route to CRU for Review
  - "A" or "B" are marked and Questions in 3 are marked "E", "F", and/or "G"; Route to CRU for review.
  - "C" or "D" are marked; Non-CAP, Route to Tabor DE
- Page 18/19 – Part C - Question 3:
  - "A, B, C, H or I" is marked; Non CAP Route to Tabor DE
  - "D" is marked and no other blocks are marked; Route to CRU for review
- If pages 17, 18 and/or 19 are missing; route to CRU for review.

**Note: Files routed to Tabor Data Entry must be properly handled, including all fees receiving the "For Deposit Only" stamp.**

## Preparing CAP File(s) for Barcoding

- Annotate your VT# on the bottom of page 1 of the I-129 petition.
- Flag all concurrently filed petitions; I-907's and duplicate I-129 petitions.
- Place petitions into the appropriate file jacket. (Be sure to include any concurrently filed petitions, I-907's and the duplicate copy with the I-129 filing.
  - If multiple I-129 filings are found within an envelope, separate and place each individual filing in its own file jacket.
    - Review beneficiary name on Page 3 to verify
    - The original envelope will be placed with only one of the filings and the remainder of filing(s) will be placed in a file jacket without an envelope.
- Use the appropriate file jacket:
  - Green – PP (will have an I-907) (File Jacket will be used with tab down on the bottom right).

**Note: I-907's found at Lemnah 4 must be routed to Tabor – CAP Processing.**

- Brown – Non Premium (No I-907) (File Jacket will be used with tab down on the bottom right)

**Note: Non Premiums found at Tabor must be routed to Lemnah 4 – CAP Processing.**

- Secure contents into the file jackets using either a rubber band or staples.

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## Sorting

After identifying and preparing the I-129, sort into the appropriate color-coded sort buckets:

- VRN = Vermont Regular Non-Premium (White)
- VRP = Vermont Regular Premium (Yellow)
- VMN = Vermont Masters Non-Premium (Golden Rod)
- VMP = Vermont Masters Premium (Pink)
- NON-CAP Mailroom = (Blue)
- NON-CAP Premium DE = (Green)
- CRU = (Light Purple)

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**Trainer Signature/Date:** \_\_\_\_\_

**Trainee Signature/Date:** \_\_\_\_\_

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP Verification Process WORK INSTRUCTION</b>	
	<b>Document No:</b>	<b>R-VSC-0336</b>	<b>Version No:</b>
<b>Revision Date:</b>	<b>3/24/14</b>	<b>V02</b>	

## **CAP FY15 Verification process**

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After being sorted into the appropriate color-coded sort buckets, the following verification process will be performed.

- VRN (White Crate Sheet)** – Verify the contents have been placed in a brown file jacket and an I-907 is not present.
  - Classification is an H1B class, page 18 part C question 1 is "A" and the answers to question 3 are all blank.
  
- VRP (Yellow Crate Sheet)** – Verify the contents have been placed in a green file jacket and an I-907 is present.
  - Classification is an H1B class, page 18 part C question 1 is "A" and the answers to question 3 are all blank.
  
- VMN (Golden Rod Crate Sheet)** - Verify the contents have been placed in a brown file jacket and an I-907 is not present.
  - Classification is an H1B class, page 18 part C question 1 is "B", question 2 can be blank, incomplete or completed and the answers to question 3 are all blank.
  
- VMP (Pink Crate Sheet)** - Verify the contents have been placed in a green file jacket and an I-907 is present.
  - Classification is an H1B class, page 18 part C question 1 is "B", question 2 can be blank, incomplete or completed and the answers to question 3 are all blank.

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**Trainer Signature/Date:** \_\_\_\_\_

**Trainee Signature/Date:** \_\_\_\_\_

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP I-129 File Assembly WORK INSTRUCTION</b>	
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## CAP FY15 File Assembly

### **Record of Proceeding Order (ROP)**

File assembly is where the file is assembled into ROP order with all pages right-side up and face up. Acceptable I-129 petitions are set up in a new brown file jacket tab down. Acceptable I-129 petitions with an I-907 (premium processing) are set up in a new green file jacket with the tab down on the bottom right with a premium processing worksheet. If additional forms (I-539, I-824, I-765, or I-102) are submitted, place in a separate new brown file jacket(s) with the tab down on the bottom right (refer to form specific SOP for instructions).

### **\*Indicates required documents**

Set up petition pages as follows from **top to bottom, if submitted:**

<b>Records side LEFT</b>	<b>Non-Records side RIGHT</b>
* When Applicable - Premium Processing Half Sheet	Fee screen print out/ EFRS Notice (after DE)
* Fee(s) – staple to first page of ROP	Any CRU sheets (after DE)
Valid G-28 (s)	Invalid G-28(s) face down
* I-129 original petition pgs 1- 6 (and 7 if submitted)	Return envelope/mailer
* H Classification pages 11 & 12 (if multiple supplement pages are submitted place in numeric order)	
Addendums / Attachments	
* I-907 Request for Premium Processing Service (if filing as PP)	
* I-129 Data Collection Supplement (Pages 17, 18 & 19)	
SEVIS forms / DS-2019 / I-20	
* Labor Condition Application (LCA) (for H1B, H1B1, H1B3 classifications). Place valid and/or most current on top if multiple LCA are submitted.	
Attorney letter	
Company letter	
Power of Attorney Letter (POA) or Signature Authorization Letter (Annotate POA on a sticky and flag it.)	
Supporting documents	
<b>Note:</b> If an I-129S is submitted with an I-129 place in support	
Additional G-28 submitted for duplicate copy	
<b>Note:</b> Can be original/valid or exact copy of the original/valid	
I-129 Duplicate Copy of the petition – pages 1-6 and 7 if submitted. (Flag - flag will be placed on the bottom left of page one of the I-129).	
Supplement pages for duplicate copy	
Attachments and Addendums for duplicate copy	
Support submitted for the duplicate copy see duplicate copy table (if submitted)	
* Envelope fastened to records side of the file jacket	

**NOTE:** Do not remove the dividers/tabs/exhibits from the petitions. If the documents needed for the ROP are between dividers/tabs/exhibits, remove the documents and leave the dividers/tabs/exhibits in support where it is at the time of filing.

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**G-28 Review:** Review G-28 for acceptability (if present), refer to the G-28 cheat sheet.

If	Then
<b>One acceptable G-28</b>	Place in ROP for the original petition.
<b>More than one acceptable G-28</b>	Place one in ROP for the original petition. If a copy of the I-129 is present, place one G-28 in the ROP for the copy.  Any additional G-28s will be piggybacked with the original petition.
<b>Exact photocopy of an acceptable G-28</b>	Place in ROP for the copy of the petition. If no copy of the petition is submitted place in support.
<b>Not Acceptable</b>  <b>NOTE:</b> If rejecting a PP filing and the I-129 will remain at the VSC for processing and contains only one invalid G-28; return the invalid G-28 with the reject. Make a photocopy of the invalid G-28 and place with the I-129 filing face down on the non-record side of the file jacket.	Place face down on non-record side of file jacket.  <b>Note:</b> If rejecting anything relating to a Premium filing and the G-28(s) is deemed invalid; place the invalid G-28(s) with the reject. Add the call up of invalid G-28 t the CRU slip. The invalid G-28 will be used for the address on all Premium reject notices.

**Duplicate Copy review:**

- If a duplicate copy of the I-129 petition is submitted verify that page 2 part 2 #2 and #4 and also page 3 the beneficiary information matches on the duplicate and original. If so, flag the duplicate copy page 1.
- If no duplicate copy was submitted and on page 2 part 2 question 4 is marked anything besides A, no duplicate copy is needed
- If no duplicate copy was submitted and on page 2 part 2 question 4 is marked A and on page 3 part 4.1 is either marked "PFI or POE"; make a copy of pages 1-6 (7 if submitted) and any addendums and attachments and place underneath original I-129 support. Flag page 1 of the I-129 duplicate copy

**Fee Requirements:**

Review all fees for acceptability according to the Fee Collection Guidelines and the fee cheat sheet. If any fees are missing or not needed but sent or have a fee deficiency – route to CRU.

Ensure that any personal/business checks have a complete name and address. If incomplete and/or missing; write the name and/or address from the petition on the fee.

- Base fee of \$325-required
- Fraud fee of \$500 required when:  
-Page 2 part 2 question 2 is marked A, D or E
- ESABSA fee of \$2000 is required when:  
-Page 2 part 2 question 2 is marked A, D or E and page 17 Part A questions 1E are both marked Yes

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- ACWIA fee of \$750 or \$1500 is required when:
- Page 17 & 18 part B questions 1-8 are all marked No and question 9 is marked Yes-\$750 ACWIA fee is required
  - Page 17 & 18 part B questions 1-8 are all marked No and question 9 is marked No \$1500 ACWIA fee is required.
  - If question 9 is blank or fee does not match question 9, refer to page 5 question 13; if 25 or less employees \$750 ACWIA fee required, if 26 or more employees-\$1500 ACWIA fee required.

If	Then
Questions 1-8 have one or more blocks marked YES, the ACWIA Fee was submitted in a separate check	Make a copy of the petition (pages 1, 2, & 3 and data collection supplement) and G-28 if present. Complete reject sheet and attach to front of file jacket. If an invalid G-28 is present on a Premium case make a copy and place with copied pages, annotate invalid G-28 on CRU sheet * All cases are routed to CRU after complete review.
Questions 1-8 have one or more blocks marked YES, the ACWIA Fee was submitted and combined with another fee	Route to CRU after complete review

- I-907 fee of \$1225 is required when filing as Premium Processing

**Date Stamping:**

Must be clear and legible and coincide with the date on the envelope. Date stamp the following:

- I-129 page 1 in the lower left section of part 1. This date stamp must have clerks VT number next to the date stamp
- I-907 in the lower right section of part 2. VT number is not needed next to the date stamp
- ALL** pages of the Data Collection Supplement pages (no specific area). VT number is not needed next to the date stamp. Suggested area to date stamp is the bottom right corner.
- If any old VSC received date stamp(s) are present cross off with red ink.

**Revision Date:**

- The I-129 pages 1-6 (7 if submitted), supplement pages and data collection pages must have a revision date of 11/23/10 or later. If date is before 11/23/10 – route to CRU
- The I-907 revision date must be 8/10/09 or later. If date is before 8/10/09 – route to CRU.

**Jurisdiction:**

- Review page 17 of the Data Collection supplement Part B questions 1-3 must all be No. If any are yes – route to CRU. If Premium route to CRU.
- Review page 18 & 19 of the Data Collection supplement Part C that blocks A, B, C, H and/or I are blank. If any are marked – route to CRU. If only D is checked route to CRU.
- Review page 4 part 5 #3 address where the beneficiary will work  
-If one location listed and is VSC jurisdiction-accept. If CSC jurisdiction – route to CRU.  
-If multiple locations, blank, states "see above", a foreign address is listed or "same as part 1"- review address on page 1 of petition.

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- If VSC jurisdiction – Accept
- If CSC jurisdiction – route to CRU
- If a foreign address is listed on page 1 – route to CRU

-If it states "see addendum" look to the addendum. If one location listed and is VSC jurisdiction-accept, if CSC jurisdiction – route to CRU. If no addendum refer to page 1 of the petition, if VSC jurisdiction- accept, if CSC jurisdiction – route to CRU, if a foreign address is listed on page 1 – route to CRU.

<b>VSC Jurisdiction States:</b>	<b>CSC Jurisdiction States:</b>
Alabama (AL), Arkansas (AR), Connecticut (CT), Delaware (DE), the District of Columbia (DC), Florida (FL), Georgia (GA), Kentucky (KY), Louisiana (LA), Maine (ME), Maryland (MD), Massachusetts (MA), Mississippi (MS), New Hampshire (NH), New Jersey (NJ), New Mexico (NM), New York (NY), North Carolina (NC), Oklahoma (OK), Pennsylvania (PA), Puerto Rico (PR), Rhode Island (RI), South Carolina (SC), Tennessee (TN), Texas (TX), Vermont (VT), Virginia (VA), U.S. Virgin Islands (VI), or West Virginia (WV).	Alaska (AK), Arizona (AZ), California (CA), Colorado (CO), Commonwealth of the Northern Mariana Island (CNMI), Guam (GU), Hawaii (HI), Idaho (ID), Illinois (IL), Indiana (IN), Iowa (IA), Kansas (KS), Michigan (MI), Minnesota (MN), Missouri (MO), Montana (MT), Nebraska (NE), Nevada (NV), North Dakota (ND), Ohio (OH), Oregon (OR), South Dakota (SD), Utah (UT), Washington (WA), Wisconsin (WI) or Wyoming (WY).

**Required pages:**

If any pages are missing – route to CRU

- Pages 1-6 of the I129 petition
- H Classification pages 11 & 12
- I-907 (if filing as a PP)
- Data Collection supplement pages 17, 18 & 19
- Labor Condition Application (LCA)

**Page 1 Part 1 Review:**

If any of the information is missing or incomplete – route to CRU

- Company or Organization name. (If blank, family name is acceptable).
- Complete address, with street, city, state and zip code
  - Company address can not be a foreign address

**Page 2 Part 2 Review:**

- Question 1 has a classification of H1B, 1B1, H1B1 or H1B3. If blank or missing refer to supplement page, company or attorney letter. If not able to verify classification – route to CRU
- Question 2 has one block checked. If blank or more than one checked – route to CRU
- Question 4 has one block checked. If blank or more than one checked – route to CRU.
- Invalid Block Combinations Chart:** Please review for invalid block combinations. If invalid route to CRU.

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Part 2, Question 2	Part 2, Question 4
B	B
B	F
C	B
C	F
D	D
D	F
E	B
E	F
F	F

- Question 5 is blank, 0 or 1. If more than 1 listed – route to CRU

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**Page 3 Part 3 review:**

- Beneficiaries name and date of birth are present. If either blank – route to CRU.
- If Country of Birth or Country of Citizenship are Chile or Singapore-process as Non-CAP
- o Possible HSC Filing

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**Page 5 part 5 #10 Intended dates of employment:**

- Start date must be 10/1/14 or later but not over six months.
- Examples:**
- o If filing is received on 4/1/14 the petition must have a start date of 10/1/14.
  - o If the filing is received on 4/2/14 the start date must be either 10/1/14 or 10/2/14.
  - o If the filing is received on 4/3/14 the start date can be 10/1/14, 10/2/14 or 10/3/14.
  - o If the filing date is over six months or prior to 10/1/14 – route to CRU.
- If the start date states ASAP, Present, Upon Approval or Current – route to CRU

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**Page 6 part 7 signature review:**

If signature is missing, photocopied or signed by the beneficiary – route to CRU.

- Must have an original signature signed by the company representative.
- If signature is initialed, "by" or "for" someone a POA letter must be present. If no letter present – route to CRU

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**I-907 review (If filing Premium Processing):**

- Review part 2 blocks 1, 3, 4 & 5 are complete. Any blocks blank – route to CRU
- Review part 3 for original signature signed by the company representative or attorney. If signature field is blank, photocopied – route to CRU
- If signature is initialed, "by" or "for" someone a POA letter must be present. No letter present – route to CRU
  - If signed by an attorney the G28 must be valid. If G28 not valid – route to CRU.

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**Data Collection Supplement pages 17, 18 & 19:**

- Review that Part A questions 2, 3 and 4 are complete. If Part A question 2 is marked A or B question 3 can remain blank. If question 4 is blank refer to page 5 question 8 for rate of pay. If any information is incomplete – route to CRU.
- Review that Part B questions 1-8 are complete. If not complete – route to CRU.
- Review that Part C question 1 is complete. If not complete or multiple blocks checked – route to CRU.
  - If part C question 1 is marked A-question 3 must be blank
  - If part C question 1 is marked B-question 2 must be complete and question 3 must be blank
  - If part C question 1 is marked C-process as Non CAP
  - If part C question 1 is marked D-process as Non CAP

**Labor Condition Application (LCA):**

If the Labor Condition Application is not submitted, missing pages 4 or 5, or incomplete – route to CRU.

- Signature (Part H or Part K)-can be anyone's and any type of signature
- Signature (Part J or Part M)-Department of Labor (DOL) official's signature
- Intended dates of employment (Part J or Part M) to include the starting and ending dates

**Trainer Signature/Date:** \_\_\_\_\_

**Trainee Signature/Date:** \_\_\_\_\_

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
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## CAP FY15 I-129 Data Entry

### How to access GUI:

- In Center Applications Screen, open CLAIMS and select "GUI Receipting"
- Enter user ID and password and select log in
- At the top of GUI screen select "Receipt/Modify" and click on "Data Entry"
- Type "1129" in form # press enter or retrieve for the I-129 screen

### Verify fees

- I-129 base petition fee is \$325 – required
- Fraud fee is \$500 if deemed required
- ESABSA Fraud Fee is \$2000- if deemed required
- ACWIA Fees are \$750 or \$1500 – if deemed required
- I-907 is \$1225 – required if filing for premium processing
- Possible additional forms submitted – refer to form specific SOP

### Data Entry:

- Enter the received date - see your supervisor for proper date.
- Enter the name:
  - Enter the name listed on the petition into the "Name" field if there is no company name.
- Enter the Company/Firm name:
  - Enter the company name into the "firm" field.
  - Do not abbreviate company names/firm names unless the information will not all fit.
  - The only punctuation that can be keyed is / & - #
  - The . (period) and @ contained in the web address will be entered. )
- Enter the C/O name
  - Enter the name and title as it appears, if present. If all of the information does not fit key to the last letter or full abbreviation.
  - The only punctuation that can be keyed is / & - #
  - String of numbers should be keyed  
Example- C/O 210985-Marina Pesa Senior immigration specialist.
- Enter the Company's street address:
  - Enter the company address into the street field. Include what is written in the suite/apt. block with suite or ste. in the front of the information in the block. The only time ste will not be entered is when the information in the block has building, unit, floor, rear, front, lower, lot, upper, bsmt, basement or if the address will all fit omitting the identifier. The only time APT will be used in when APT appears in the block or street line.
  - If all the information does not fit after abbreviating and/or omitting "STE" as the identifier-see supervisor for directions on how to key address
  - The only punctuation that can be keyed is / & - #.
  - If both a PO Box and a physical US address are listed, the PO Box will override
  - If the address provided is a foreign address including Puerto Rico or Virgin Islands, enter all the information including PO Box and street address
- Enter the zip code
  - The system will pre-populate the city and state (verify state and zip code match)

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- Enter the IRS number:
- Enter the federal employer identification number ( Exactly 9 numbers) If blank use tax ID

**Non-Immigrant Class:**

- Enter Part 2-information about this petition #1 non-immigrant class:
- Enter classification as 1B1 (for H1B), if blank or incomplete look to supplement page 11, company or attorney letter.

**I-129W Attached?**

- Enter "Y" this will bring up your I-129W screen
- Part A (This information is located on page 17)
- Enter question 1 and 2 in part A from Page 17 part A #1E of the data collection supplement page
- Part B Questions 1-8 default to "N" these need to be changed to reflect what is answered on the petition.
- Part B Question 9 is marked YES and employer submitted \$750 ACWIA fee key "Y"
- Part B Question 9 is marked NO and employer submitted \$1500 ACWIA fee key "N"
- If Part B question 9 is blank or the block checked and fees do not match refer to page 5 question 13
- If number of employees is 25 or less and \$750 submitted-key #9 as Y
  - If number of employees is 26 or more and \$1500 submitted-key #9 as N
- Part C Questions 4-7 must be entered to reflect what is answered on the petition.

if	Then
<b>Part C Question 1 is marked "A"</b>	Default to "N" for 4-7. This is a CAP CASE
<b>Part C Question 1 is marked "B" and Question 2 is complete</b>	Default to "N" for 4-6. Key 7 as "Y". This is a MASTER CAP CASE

**Basis for class**

- Page 2 part 2 #2 Basis for Class:
- Enter block that is checked

**Prior petition or App:**

- Page 2 part 2 #3 or #4 Prior petition or App:
- Enter "REG" for regular CAP cases and "MAS" for Masters CAP cases.

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**Premium Processing: (if applicable)**

- Enter "Y" at the premium processing prompt. Press enter and the premium processing screen will appear.
- Enter received date – see your supervisor for proper date
- Enter Start date – see your supervisor for proper date
- Enter Phone number, (if present) if an extension number is provided, enter X for extension
- Enter Fax number, (if present) if an extension number is provided, enter X for extension
- Enter E-mail address, (if present) if more than one listed key the 1<sup>st</sup> one (do not enter spaces)
  - If the email is too long to fit in the spaces provided, leave the field blank, save and continue. After the petition is keyed and you have an EAC number go to Center applications and open Claims, You will select the Premium Processing Receipt icon. After putting in your User ID and Password, enter in the EAC number and input the email address.
- Click on the save button.

**Requested Action:**

- Part 2 #5 Requested action:
  - Enter block that is checked from page 2 part 2 question 4 on the petition

**Total number of workers in petition**

- Part 2 #6 Total number of workers in petition:
  - Should always be 1
  - Click on Multi Bene Tab:
  - Enter the information for the beneficiary located on page 3 in part 3 of the petition
    - Enter the Last, First and Middle name (do not key any punctuation or titles) Do not key NMN, NFN, FNU, LNU, NMI or NLN in the name fields. Treat the field as blank.
    - Enter the Date of Birth- if invalid, leave blank
    - Enter the Country of birth- (refer to the drop down menu, if not listed or if listed multiple times refer to the COB/COC clarification chart)
    - Social Security Number-if invalid or blank, leave blank
    - Enter the A number-if 9 digit number enter following the A, if 8 digit number enter a lead zero following the A, if seven digits or fewer or blank leave blank
    - Enter the Arrival Date- If invalid or blank, leave blank
    - Enter the I-94 number- if invalid or blank, leave blank
    - Enter the SEVIS-If page 2 part 2 question 4 is marked B and the current status is either an F1, F2, J1, J2, M1 or M2 enter the SEVIS number if it is provided on page 3 question 2E. If no SEVIS provided, refer to the SEVIS chart below if SEVIS pages are submitted:

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP I-129 Data Entry WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0339 4/8/14</b>	<b>Version No: V03</b>

If Current Status is:	Then
<b>F-1</b>	Enter the SEVIS ID from the SEVIS I-20 in the SEVIS FROM field on the Beneficiary Information screen in GUI.
<b>F-2</b>	Enter the SEVIS ID for each of the Dependent's Copy SEVIS I-20 in the SEVIS FROM field on the Beneficiary Information screen in GUI.
<b>J-1</b>	Enter the SEVIS ID from the DS-2019 in the SEVIS FROM field on the Beneficiary Information screen in GUI.
<b>J-2</b>	Enter the SEVIS ID for each of the J-2 Dependent's Copy DS-2019 in the SEVIS FROM field on the Beneficiary Information screen in GUI.
<b>M-1</b>	Enter the SEVIS ID from the SEVIS I-20 M/N in the SEVIS FROM field on the Beneficiary Information screen in GUI.
<b>M-2</b>	Enter the SEVIS ID from the Dependent Copy SEVIS I-20 M/N in the SEVIS FROM field on the Beneficiary Information screen in GUI.

- o Enter the Current Status given- Press F12 and refer to the drop down menu. Select the current status and press enter. If not listed in the drop down menu refer to status code chart.
  - Choose 1B1 for each of the following: H1B, 1B1, H1B1, H-1B1 or H-1B
  - If TN refer to COB or COC, Canada=TN1, Mexico=TN2
  - If blank or invalid-key UU
- o Enter the Expires date-If invalid or blank leave blank

**Data Collection Supplement: (page 17 Part A)**

- Enter Occupation Code- if invalid or blank leave blank.
- Enter Compensation Paid:
  - Annual/yearly amount key what you see.
  - Hourly, weekly or monthly, let system default to 0.01 or 0.00.
  - Range is listed- use the first rate listed
  - If blank go the part 5 question 8 of the I129 petition
- Enter Education Level:
  - One level of education is checked select F12 key to match education level on the petition.
  - Multiple blocks are checked select F12 enter highest level of education.
- Enter NAICS Code:
  - If Invalid, enter all 9's (six of them)
  - Blank, leave blank
- Enter Primary Field of Study:
  - Abbreviate in this field using the abbreviation chart
  - Key to the last letter or full abbreviation
  - GUI will allow us to key 35 digits but only 30 will show

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	<b>Document No:</b> <b>Revision Date:</b>	<b>R-VSC-0339 4/8/14</b>	<b>Version No: V03</b>

- Click on "add", a screen will prompt "Are you sure you wish to add a new Bene?"
  - Click "Yes" to add Bene
  - When the Bene has been added, click "close", then exit screen

### **G-28 Data Entry:**

- Enter Last name (key title if present), first name and middle name.
  - If the attorneys name is not present check Part 1 number 3 and/or Part 5. If the name can be verified to match the signature, key from Part 1 number 3 and/or Part 5.
  - Do not abbreviate in the name fields
  - Do not key attorney ID numbers
  - Do not key any punctuation in the name fields
  - Note: It is acceptable to use logic and supporting documents to determine name order and placement when the name is not clearly listed in specific fields. A sticky will be affixed to the file.
- Enter Firm name/VOLAG (if different from attorney name)
  - Do not abbreviate
  - Any ".com" or ".net" will be keyed in the "Business" or "Firm" name fields only
  - The only punctuation that can be keyed is / & - #
  - If there is a long firm name it can be continued on the 1<sup>st</sup> street line AS LONG AS the street address will all fit on the 2<sup>nd</sup> street address line
- Enter Address
  - The only punctuation that can be keyed is / & - #
  - If all the address does not fit using both street lines, key until the last letter or full abbreviation
  - All information needs to be entered if the address is foreign. If available, enter both the street address and PO Box. IMPORTANT: If the foreign country is not included in the address on the G-28, then it must be entered
- Enter type of appearance
  - If block checked is 1-enter A
  - If block checked is 2-enter B
  - If block checked is 4-enter C
  - If blocks checked are 1 and 2-enter A
  - If blocks checked are 2 and 3-enter B
  - If blocks checked are 3 and 4-enter C
- Select the "SAVE" option to save

### **Fee Information**

- Enter remittance information as follows;
  - At the fee field enter "A" or select "A" from the drop down menu
  - At "type of Remittance" prompt press F12 select correct code for remittance you have
  - Amount Received enter amount of check

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- At the signature field, click on the box next to the signature.
- Remitter information, enter company name or last, first and middle name.
- Select "Add" button (if multiple remittances change fee info and select add to add more remittances.
- Select "Save" when complete.

---

### Screen Prints

- A fee screen print out needs to be attached to the non-record side of each petition that is receipted.
  - Exception: if all of the fees were entered into EFRS a receipt notice will be stapled to the non-record side. The fee will be entered in EFRS if the petition is located and/or working in the Virgin islands or Guam.

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### Signature

- Click on the box next to signature.

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### Concurrent with

- Make sure that there is a "None" in the "concurrent with" field

---

### Verify all Information

- Ensure all information was accurately entered into the system

---

### Save

- Select the "Save" button to save the filing
- GUI will assign a receipt number and print labels

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### Franker

- Run check through the franker (Slip Printer) or write the following on the front portion of each check, and then secure the remittance(s) in the lockbox assigned to you.
  - Receipt number
  - Date of receipting (not the received date)
  - Your employee ID# (All information needs to be legible)
- Wait for the print endorsement screen and let the slip printer completely stop
- Select "Enter"

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
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	<b>Name:</b>	<b>CAP I-129 Data Entry WORK INSTRUCTION</b>	
	<b>Document No:</b>	<b>R-VSC-0339</b>	<b>Version No:</b>
<b>Revision Date:</b>	<b>4/8/14</b>	<b>V03</b>	

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**Labels**

- Affix a barcode label in the receipt box on the original petition I-129
- Affix a barcode label to the bottom right corner of the first page of the duplicate copy I-129 (if submitted)
- Affix a barcode label to the back of the file jacket tab covering the RNG barcode.
- For Premium cases, affix an address label containing the company name on the back of the file jacket below the barcode label.
- Affix a barcode label in the receipt box of the I-907 (if present)
- Affix a human readable label to the front of the file jacket tab
- Staple the remaining labels appropriately on the non-record side making sure that you **DO NOT STAPLE** through the barcode labels
- For an oversized file the EAC# will be annotated or a human readable barcode will be placed on both sides of the file jacket tab
- There must be at least one barcode label with the address for future use

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**Sorting**

- Refer to the I-129 distribution from DE for proper sorting.
- All premium processing files need to be staged in the priority staging area.

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**NFTS**

- See crate sheet(s) for codes.
- 

Trainer Signature/Date: \_\_\_\_\_

Trainee Signature/Date: \_\_\_\_\_

**Holt, Cynthia L**

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**From:** Cullen, Janice L (b)(6)  
**Sent:** Friday, January 25, 2013 10:28 AM  
**To:** [Redacted]  
**Cc:** Yandow, Jackie D; Baker, Bonnie J  
**Subject:** RE: CAP RNG Selected - But something is wrong  
**Categories:** Janice

This is a draft statement but these will be rejected with similar language to this:

Form No: I-129 H-1B Cap Reject

All H-1B cap-subject petitions received at the California or Vermont Service Centers from April 1, 2013 to April 5, 2013 were subject to a computer-generated random selection process. USCIS received your petition during this filing period and it was among those randomly selected for processing. Your I-129 cap petition was reviewed for acceptability and/or required documents; however, it was not considered properly filed for the reason(s) noted below and is being returned to you. Please do not resubmit this petition as the H-1B cap for FY14 closed on April 5, 2013.

*Janice L. Cullen*

DHS | USCIS | VSC | Immigration Service Analyst | 802.527.4700 x 5075 | [Janice.Cullen@dhs.gov](mailto:Janice.Cullen@dhs.gov)

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**From:** [Redacted]  
**Sent:** Friday, January 25, 2013 10:53 AM (b)(6)  
**To:** Cullen, Janice L; Stoddard, Becky M  
**Cc:** [Redacted]  
**Subject:** CAP RNG Selected - But something is wrong

Can you please let us know how we will handle files which are selected by the RNG process but are deficient in some way (essentially rejectable) for this years CAP?

Thank You

[Redacted]

(b)(6)

 Consider the environment before printing

**Who is Subject to the Cap?** The cap limitation applies to petitions filed for new employment of an H-1B worker where:

- The petitioner is requesting employment for an alien who has not previously been granted status as an H-1B nonimmigrant;
- The petitioner is requesting employment for an alien previously granted H-1B nonimmigrant status but the alien has resided outside the United States for one year or more since obtaining such status and the alien will begin a new period of employment in H-1B status;
- The beneficiary previously worked as an H-1B nonimmigrant for, or at, a cap exempt organization, such as an institution of higher education, an entity related to or affiliated with an institution of higher education, or a nonprofit research organization or governmental research institution, and was not previously counted towards the cap and now seeks to work for a non-cap exempt organization; or
- The beneficiary is seeking initial HSC classification; or
- The beneficiary has completed 5 years in HSC status and is seeking a sixth or subsequent extension of stay in HSC status. [INA Section 214(g)(8)(D)]

**NOTE:** An alien previously counted toward the HSC cap is not precluded from changing status to H-1B; however, the alien must then be counted toward the H-1B cap, unless a cap exemption, as outlined below, applies. Likewise, a change of status from H-1B to HSC will be counted toward the HSC cap, unless a cap exemption applies.

Thanks,

Mary

Mary L Garceau  
Immigration Services Officer 2  
Vermont Service Center  
Business Division  
NFTS: AA0413  
Desk: EX066

**Holt, Cynthia L**

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**From:** Beauregard, Pamela R  
**Sent:** Monday, April 28, 2014 7:50 AM  
**To:** Bouchard, Armanda M; Merck, William R; VSC Business Division ISO3  
**Subject:** RE: H1B Revoked

Thank you all for your input and schooling, I seem to be getting dimmer with each day! That is why we have all your knowledge to fall back on ☺

*Pam Beauregard*

Supervisory Immigration Services Officer  
USCIS/DHS/VSC  
Business Division/Essex/EVO127  
Email: [Pamela.R.Beauregard@USCIS.DHS.GOV](mailto:Pamela.R.Beauregard@USCIS.DHS.GOV)  
(O)802-871-3622

(B)  (b)(6)

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**From:** Bouchard, Armanda M  
**Sent:** Monday, April 28, 2014 8:31 AM  
**To:** Merck, William R; Beauregard, Pamela R; VSC Business Division ISO3  
**Subject:** RE: H1B Revoked

All,

I do have information to add. It's in red below.

**Armanda (Mandy) Bouchard** | DHS | USCIS | VSC Business Division ISO3 | ☎ 802.527.4700 x1 x4906 | 📠 802.527.4843 |  
✉ [armanda.bouchard@dhs.gov](mailto:armanda.bouchard@dhs.gov)

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**From:** Merck, William R  
**Sent:** Friday, April 25, 2014 4:59 PM  
**To:** Beauregard, Pamela R; VSC Business Division ISO3  
**Subject:** RE: H1B Revoked

This sounds correct to me; someone else correct me if I'm missing something.

In the first example, since the petition is revoked before the new petition, they are out of status and thus can't extend status, and since the petition that gave them the cap number was revoked they would need a new cap number to have a basis for the classification. Correct on being out of status. For the other part of the question, a revocation does not automatically make the alien subject to the cap again. The statute at 214(g)(3) indicates that a cap number shall be restored if the petition is revoked for fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked. While this *implies* that the alien has lost the cap number, we wouldn't look this far unless we knew the petition was revoked for fraud. The GUI update of "Order Revocation Notice with Finding of Fraud" would be the primary indicator that the status was revoked for fraud. It happens, but not often that we revoke for fraud. If we had a situation of revoked for fraud and then another petition is filed for the alien, I would want to run it by counsel to make sure it would be accurate that the alien has lost the cap number and is subject to the cap again. This may be a scenario already posed for counsel or SCOPs but I am unable to locate anything in my archives. Here is what INA 214(g)(3) indicates:

Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued

a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.

In the second example with the new petition filed prior to revocation of the first, the second petition allows them to start work immediately with the new employer due to portability, and so there is no maintenance of status or loss of cap number issue. This is assuming, as you stated, that otherwise the case is approvable in terms of classification, and that the reason for the revocation of the first petition doesn't impact eligibility for the new one. Again a revocation does not automatically mean loss of a cap number. See above.

**Billy Merck** | Vermont Service Center | Business Division | Immigration Services Officer 3 |  
☎ 802-871-3796 | EV119 38 RR Essex | ✉ [william.r.merck@uscis.dhs.gov](mailto:william.r.merck@uscis.dhs.gov)

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**From:** Beauregard, Pamela R  
**Sent:** Friday, April 25, 2014 12:52 PM  
**To:** VSC Business Division ISO3  
**Subject:** H1B Revoked

Hello,

Please confirm for me:

If a beneficiary of an extension/change of employer petition has had the previous petition revoked prior to a new company filing for them, they are no longer eligible to extend and must start over with a new H1B CAP number to work as an H1B employee, correct?

HOWEVER,

If a beneficiary of an extension/change of employer petition has had the previous petition revoked after a new company files for them, they are ok to continue to work as an H1B worker.

In both scenarios it is assuming that all other requirements are met and the petition is otherwise approvable.

Thanks,  
Pam

**Holt, Cynthia L**

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**From:** Montgomery, Laura L  
**Sent:** Thursday, April 10, 2014 5:49 AM  
**To:** Ryan, Carrie A  
**Subject:** RE: The Cap Has Arrived!

Hi Carrie,

Just a quick message to say thanks for the detailed explanation of CAP and the RNG and the numbers you provided – I understand the process but I have heard lots of questions on the floor and not understanding it so much but I think this gives a very good understanding of what is going on.

Thank you

Laura

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**From:** Ryan, Carrie A  
**Sent:** Wednesday, April 09, 2014 4:43 PM  
**To:** VSC Business Division  
**Subject:** The Cap Has Arrived!

Good afternoon all,

**The Cap has been met!**

The last day to file for the H1B Cap was Monday, 4/7. We have received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2015. In addition, we also received more than the limit of 20,000 H-1B petitions filed under the U. S. advanced degree exemption.

**What happens next?**

We are now awaiting HQ confirmation in terms of when they will run the random number generator (RNG). As you recall from our all hands meetings, the RNG utilizes all receipts received from both the VSC and the CSC. The Master's cases are run first as we have the allotted 20,000 dedicated to that area. Those that are not selected are placed back into the RNG for a second shot at being selected under the regular RNG. Once this second selection is complete, the centers will receive our lists of selected cases. Between CSC and VSC, that will equate to 65,000 regular and 20,000 master's. We will begin to return those not selected and data enter those that were.

We are anticipating that the RNG is going to be run late this afternoon or early this evening. This, in turn, means that we should begin to receive cases tomorrow and Friday with the bulk of the cap cases hitting on Monday the 14<sup>th</sup>.

We will of course work the PP cases selected first and then focus on the regular cap cases after that. We still do not know when the PP clock will start, but we will certainly relay that to you as soon as HQ provides the date.

A message in regards to workflow instructions will be forthcoming.

**THANK-YOU**

We cannot begin to extend adequate thanks in terms of all of your efforts in preparing for the cap. Our backlog was drastically reduced leaving us strongly poised the cap. Your diligence and dedication in cleaning up this work was instrumental in this success. With this, we are entering the cap with confidence that our adjudicative and planning efforts have paid off.

Thank-you everyone and welcome to Cap Season!!!!

Carrie Ryan  
Section Chief/Business Division  
DHS/USCIS/Vermont Service Center  
Office: 802-527-4736 (b)(6)  
BB   
[Carrie.A.Ryan@uscis.dhs.gov](mailto:Carrie.A.Ryan@uscis.dhs.gov)

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP FY15 Rejects WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>W-VSC-0006 4/28/2014</b>	<b>Version No:</b> <b>V01</b>

## CAP "NOT SELECTED" REJECTS

- Each "Not Selected" CAP case must be kept in the barcoded box it is assigned to throughout the reject process.
- Take a file from the box and remove contents from the file jacket:
  - Bring G-28, petition and I-907 (if submitted) to the top
  - Date Stamp all required pages – I-129 petition (page 1) and I-907 (if submitted) {VT number will **not** be needed by the date stamps} Includes the rider forms (if submitted):
    - I-539, I-824, I-765 and I-102
  - Cross off all of the date stamps with a red pen
  - Ensure that the "For Deposit Only" stamp is on the back of the filing fees
  - Slice envelope and place on the bottom of the filing

## Setting Up the Reject Database & Printer

- Setting up the Datamax (barcoder):

**NOTE:** The Datamax needs to be set to Com1. This can be done by following the below or opening Lowery in Center Applications and minimizing.

- Click Start button
  - Select Setting
  - Click Printer & Faxes
  - Select Datamax
  - Right click
  - Select Properties
  - Select Ports
  - Set to Com1
  - Click on Apply then OK
- Setting up the printer:
    - Click Start button
    - Select Setting
    - Click Printer & Faxes
    - Set print to Default (HP/Dell)
  - Opening the database:
    - Go to Win Explore in Center Applications
    - Go to L-drive "Bizshare"
    - "Contract" folder
    - Reject database
    - Select "Open new reject db".
  - This will bring up the log in screen;
    - Enter in your EAC and password.

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	<b>Name:</b>	<b>CAP FY15 Rejects WORK INSTRUCTION</b>	
	<b>Document No:</b> <b>Revision Date:</b>	<b>W-VSC-0006 4/28/2014</b>	<b>Version No: V01</b>

If you're not entered in the database as a user, the supervisor will need to call a super-user to get access set up.

- Select Log in
- Select Create New Reject

### Keying Instructions

- Key all reject information in Upper Case.
- Use the Keying Memo and the Standard Abbreviation List. Also refer to the CPAU address and company name list.
- Enter your employee VT# in the VT#/CRU/VAWA field.
- Tab to the receive date.
- Enter the Receive date from the petition/envelope.
- Tab through the A# field.
- Receipt Number field - wand the VRM, VRP, VMN or VMP barcode from the file jacket.
- Beneficiary - Enter the Beneficiary's first name, middle name and last name - this can be located on page 3 of the I-129 Petition.
- Enter the Beneficiary's date of birth - this can be located on page 3 of the I-129 Petition (example: 08/01/1966).
- Enter the Beneficiary's social security number - this can be located on page 3 of the I-129 Petition.
- EMP EIN - Enter the EIN (from page 1, part 1 #3 J).
- Petition Type and call up information will drop in.
- Applicant Petitioner - Enter the Company Name (take from page 1 of the I-129 petition).
  - If Company Name is too long abbreviate to fit. If it does not fit key to the last letter.
- Applicant Name will pre-pop from the Applicant Petitioner field.
  - If you make a correction to the Applicant Petitioner field you will also have to correct the name in the Applicant name field.
- Tab to the C/O field.
- Attorney/Firm/CO field - Enter the C/O name.
  - Enter C/O followed by the name listed in the mailing address on petition if NO G-28 is provided or
  - Enter C/O followed by the firm name listed on the G-28 if G-28 is provided. If no firm name enter the lawyers name as the C/O.
    - If firm name listed is too long to fit on one line omit "Law Offices Of" to fit as much of the firm name as possible. (Key to the last letter)
- Address1 - Enter the ATTN Name -
  - Enter Attn followed by the lawyers name; this will only be entered if a G-28 is submitted.
  - If No G-28 is submitted enter the street address.
- Address2 - Enter the Address
  - G-28 is submitted take address from the attorney section of the G-28.
  - G-28 is not submitted take address from the mailing address on the I-129.
  - If Address is too long to fit on one line after abbreviating omit the ATTN Name on the third line and use both lines for the street address. (Use 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> line for address if needed)

<b>SCOSS Team</b>	<b>Contract:</b>	<b>DHS USCIS-SCOSS</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>CAP FY15 Rejects WORK INSTRUCTION</b>	
	<b>Document No:</b>	<b>W-VSC-0006</b>	<b>Version No:</b>
<b>Revision Date:</b>	<b>4/28/2014</b>	<b>V01</b>	

- City/State/Zip – Enter City State and Zip Code (The state will need to be abbreviated use drop down if needed).
  - G-28 is submitted take the City, State and Zip code from the attorney section of the G-28
  - G-28 is not submitted take the City, State and Zip Code from the mailing address on the I-129.
- If the address is foreign, click into the providence, country and postal code fields. Leave the State and zip code fields blank.
- VERIFY ALL INFORMANTION IS ENTERED CORRECTLY.**
- To correct an error in the Bene name, DOB, SS# or EIN, click the "CAP" arrow on the far bottom right hand side. Tab to the field that needs correcting.

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### Notice and Label Instructions

- Click on the print notice button.
  - This will generate an address label and a CRU/VAWA sheet label.
  - This will generate a copy of the I-797 notice (Print on BLUE paper).
- Exit when finished.
- Place the reject Notice on top of the filing.
- Staple the address labels to the reject notice on the lower right side.
- Place the filing back in the barcoded file jacket it came from.
- Place the completed reject back into the box it is assigned to in NFTS.

---

Trainer Signature/Date: \_\_\_\_\_

Trainee Signature/Date: \_\_\_\_\_

## Optional Checklist for Form I-129 H-1B Filings

*This is an optional checklist to assist FY 2015 H-1B petitioners submit an I-129 H-1B petition.*

*Do not submit this checklist to USCIS.*

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All checks or money orders are signed and made payable to the "U.S. Department of Homeland Security." If the petition is submitted with the wrong filing fee, it will be rejected as improperly filed. **If one or more of the required checks are returned due to insufficient filing fees, the H-1B petition will be rejected and will NOT retain the original filing date.** H-1B cap petitions with insufficient filing fees will be given a new filing date on the day the fee deficiency is corrected, as long as the cap has not been met. If the new filing date is after the numerical cap has been met, the petition will be rejected.

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Proper fees are enclosed:

- Base fee of **\$325**
- ACWIA fee of **\$750/\$1,500** (if/as applicable)
- Fraud Prevention and Detection fee of **\$500** (if applicable)
- Public Law 111-230 fee of **\$2,000** (if applicable)
- Premium Processing Service fee of **\$1,225** (if applicable)

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Petition includes original signatures (preferably in black ink) on **Pages 6, 7, 10** (if applicable) and **12** of Form I-129 (with a revision date of 11/23/10 or later).

---

All sections of the Form I-129, H-Classification Supplement to Form I-129, and H-1B Data Collection and Filing Fee Exemption Supplement (with revision date of 11/23/10 or later) are completed and all required pages are enclosed.

---

Form I-907 (with revision date of 8/10/09 or later) is completed, signed in the original, and enclosed if seeking Premium Processing Service. NOTE: If you are signing Form I-907 as an attorney or accredited representative for the petitioner, ensure a properly completed and signed Form G-28 accompanies the petition.

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A corresponding Labor Condition Application (LCA) that has been certified by the Department of Labor (DOL) and is signed by petitioner and attorney/representative, if applicable, and enclosed.

---

Petition is being mailed with appropriate labels to the California Service Center (CSC) or Vermont Service Center (VSC) consistent with filing jurisdictions and instructions listed at [www.uscis.gov](http://www.uscis.gov).

---

All questions on Form I-129, H-1B Data Collection and Filing Fee Exemption Supplement (with a revision date of 11/23/10 or later), **Pages 17 through 19**, (particularly those in **Part C**) are answered correctly.

---

**H-1B Regular Cap**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Includes current H-1Bs that were previously cap exempt and are now seeking to change to cap-subject employment.
  3. Check the box for **1a** on **Part C** of **Page 18**.
- 

**H-1B Advanced U.S. Degree Exemption**

1. Requested start date must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary has earned a master's (or higher) degree from a U.S. educational institution.
  3. Check the box for **1b** on **Part C** of **Page 18** and complete **Question 2, Part C** on **Page 18**.
- 

**Chile/Singapore H-1B1 Cap**

1. Requested start date for a FY 2015 H-1B1 must be on/after 10/01/2014 and within six months of filing date.
  2. Beneficiary is a national of Chile or Singapore.
  3. Check the box for **1c** on **Part C** of **Page 18**.
  4. Complete and submit **Page 10**, Trade Agreement Supplement to Form I-129.
- 

**H-1B Cap-Exempt or Non-Cap H-1B Extension of Stay**

1. If the petitioner is cap exempt or otherwise not cap-subject, check the box for **1d** on **Part C** of **Page 18** and complete **Question 3, Part C** on **Pages 18 and 19**.
  2. Includes current H-1Bs that were previously counted towards the cap.
  3. Includes amended petitions where the petitioner is seeking to notify USCIS of changes to employment conditions of a current H-1B beneficiary.
-

[REDACTED]

---

**From:** Oppenheim, Jennifer R  
**Sent:** Wednesday, December 17, 2014 3:00 PM  
**To:** Oppenheim, Jennifer R  
**Subject:** FW: Cap exempt vs. cap subject

---

**From:** Parascandola, Ciro A  
**Sent:** Wednesday, October 30, 2013 11:05 AM  
**To:** Angustia, Kathleen M; Cummings, Kevin J; Viger, Steven W  
**Cc:** Sweeney, Shelly A; Aucoin, Lauren J; Boyd-Butler, Jacqueline A; Westra, Michelle M; Oppenheim, Jennifer R  
**Subject:** RE: Cap exempt vs. cap subject

Sure thing – adding Jen Oppenheim.

---

**Ciro Parascandola**

Deputy Chief, Business and Foreign Workers Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue, NW  
Washington, DC 20529  
Office: 202-272-1366  
Mobile: [REDACTED] (b)(6)  
Fax: 202-272-8518

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**From:** Angustia, Kathleen M  
**Sent:** Wednesday, October 30, 2013 10:58 AM  
**To:** Parascandola, Ciro A; Cummings, Kevin J; Viger, Steven W  
**Cc:** Sweeney, Shelly A; Aucoin, Lauren J; Boyd-Butler, Jacqueline A; Westra, Michelle M  
**Subject:** RE: Cap exempt vs. cap subject

Thanks a million, Ciro.

---

**From:** Parascandola, Ciro A  
**Sent:** Wednesday, October 30, 2013 10:56 AM  
**To:** Angustia, Kathleen M; Cummings, Kevin J; Viger, Steven W  
**Cc:** Sweeney, Shelly A; Aucoin, Lauren J; Boyd-Butler, Jacqueline A; Westra, Michelle M  
**Subject:** RE: Cap exempt vs. cap subject

Thanks, Kate! We are reviewing and will get back to you.

---

**Ciro Parascandola**

Deputy Chief, Business and Foreign Workers Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue, NW  
Washington, DC 20529  
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**From:** Angustia, Kathleen M

**Sent:** Wednesday, October 30, 2013 10:34 AM

**To:** Cummings, Kevin J; Parascandola, Ciro A; Viger, Steven W

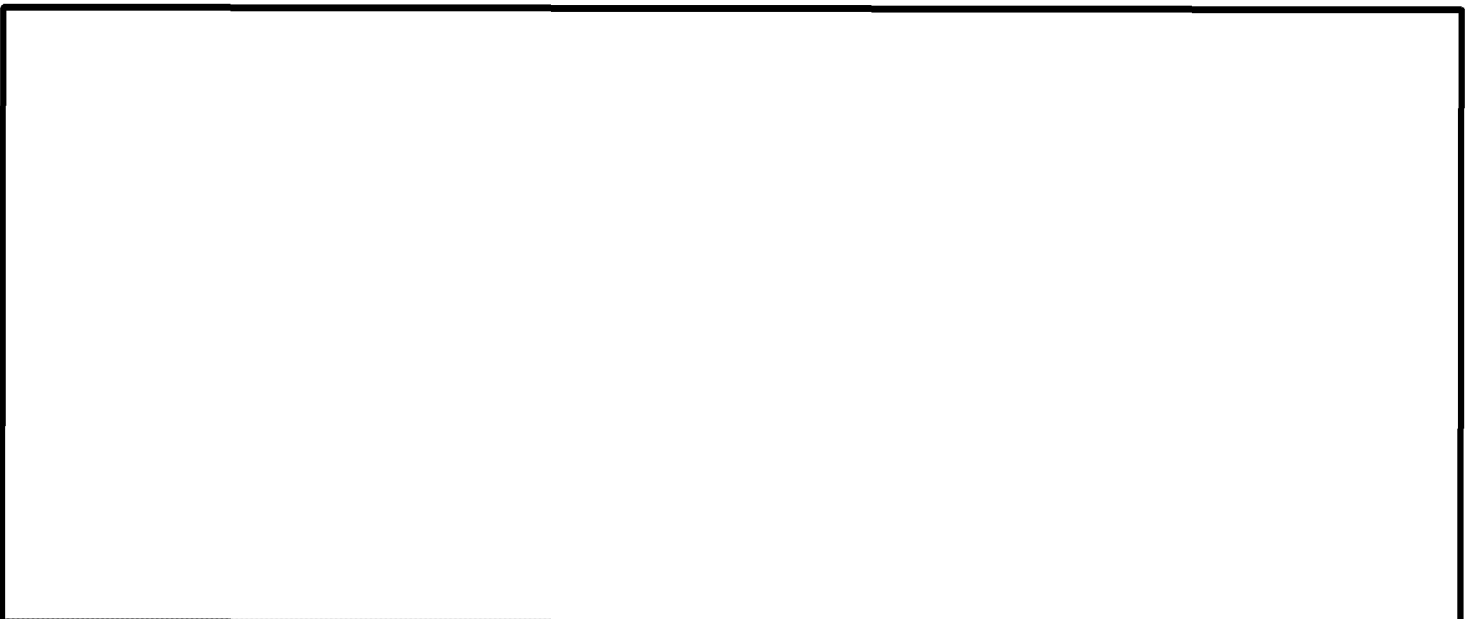
**Cc:** Sweeney, Shelly A; Aucoin, Lauren J; Boyd-Butler, Jacqueline A; Westra, Michelle M

**Subject:** Cap exempt vs. cap subject

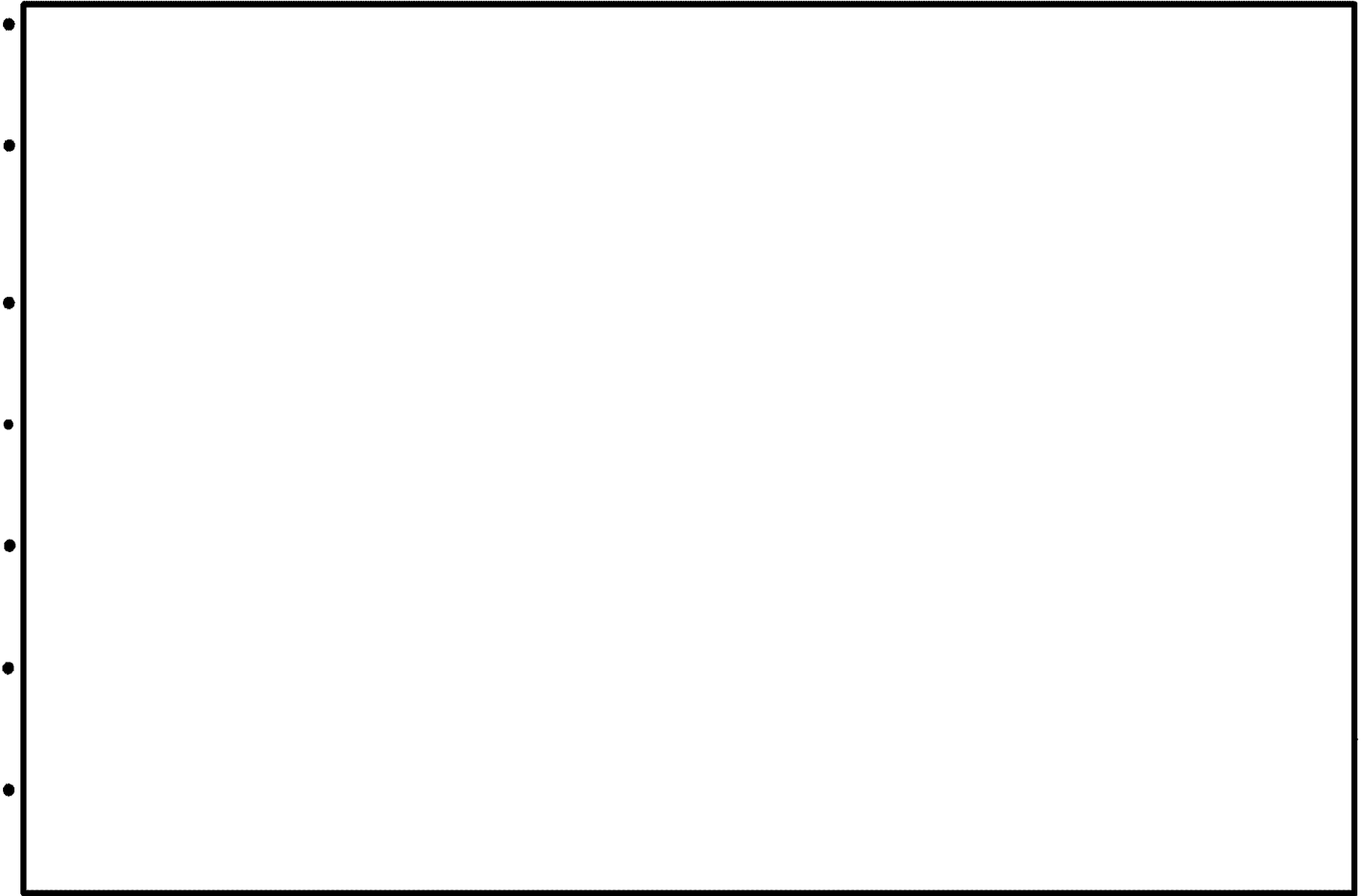
Hi Kevin, Ciro, and Steven,

During this cap season, SCOPS fielded a couple of questions from the service centers about cap subject v. cap exempt status, and we provided our response on a case-by-case basis. After thinking about this, we realized it might be helpful to have guidance in place for service centers to determine when a case might be cap exempt or cap subject. With this in mind, I have asked the service centers for a variety of scenarios when this comes up as a question.

As you know, an individual is counted for the purposes of the numerical limit under 214.2(h)(8)(ii)(A) if the alien had been issued a visa or otherwise accorded nonimmigrant status. Also, if USCIS subsequently revokes a petition pursuant to 8 CFR 214.2(h)(8)(ii)(C), it would require the reallocation of a visa number presuming that one had been issued. In the following scenarios, we seek OP&S's policy on whether a beneficiary would be considered cap exempt because the beneficiary never had a visa or status within the meaning of 214.2(h)(8)(ii)(A). Note that as a matter of practical applicability, SCOPS cannot electronically track the reason(s) a petitioner may have withdrawn a case, and therefore SCOPS does not reopen the cap upon revocation. (b)(5)



(b)(5)



Thanks so much for looking into this!

All the best,

Kate

(b)(6)

**From:** Oppenheim, Jennifer R  
**Sent:** Wednesday, December 17, 2014 2:59 PM  
**To:** Oppenheim, Jennifer R  
**Subject:** FW: External Cap Documents

**From:** Viger, Steven W  
**Sent:** Tuesday, February 18, 2014 2:03 PM  
**To:** Cummings, Kevin J; Parascandola, Ciro A; Oppenheim, Jennifer R  
**Subject:** RE: External Cap Documents

No comments.

Steven Viger  
Adjudications Officer (Policy)  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Ave., NW  
Washington, DC 20529  
P: (202) 272-8211  
F: (202) 272-8518  
[steven.w.viger@dhs.gov](mailto:steven.w.viger@dhs.gov)

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**From:** Cummings, Kevin J  
**Sent:** Tuesday, February 18, 2014 12:51 PM  
**To:** Parascandola, Ciro A; Oppenheim, Jennifer R; Viger, Steven W  
**Subject:** Re: External Cap Documents

No comments from me--thanks!

Kevin J. Cummings  
Chief, Business & Foreign Workers Division  
USCIS Office of Policy and Strategy  
Department of Homeland Security

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copies. Thank you.

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**From:** Parascandola, Ciro A  
**Sent:** Tuesday, February 18, 2014 12:48 PM Eastern Standard Time  
**To:** Oppenheim, Jennifer R; Viger, Steven W  
**Cc:** Cummings, Kevin J  
**Subject:** RE: External Cap Documents

Just a friendly reminder that these are due back to SCOPS today. When they're ready, please send them to Stephanie at SCOPS (unless Kevin wants to add anything). I have nothing to add.

---

**Ciro Parascandola**

Deputy Chief, Business and Foreign Workers Division  
USCIS Office of Policy and Strategy, DHS  
Office: 202-272-1366; Cell [REDACTED]

(b)(6)

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**From:** Oppenheim, Jennifer R  
**Sent:** Wednesday, February 12, 2014 2:20 PM  
**To:** Viger, Steven W  
**Cc:** Cummings, Kevin J; Parascandola, Ciro A  
**Subject:** FW: External Cap Documents

Hi Steven,

I've finished looking at the external cap documents. The docs are on the ECN, ready for your review --

Cap Count VSC – no comments/edits

FY15 Optional Cklist VSC – no comments/edits

Updated QA – small comment page 1

Premium Processing – minor edit (added a comma)

H-1B cap met post-RNG – small comment

H-1B cap met pre-RNG – no comment/edits

Update FY 15 Cap Season Start – no comment/edits

Update FY 15 Cap Still Open – no comments/edits

Thanks!  
Jen

---

**From:** Parascandola, Ciro A  
**Sent:** Tuesday, February 11, 2014 6:08 PM  
**To:** Viger, Steven W; Oppenheim, Jennifer R  
**Cc:** Cummings, Kevin J  
**Subject:** Fw: External Cap Documents

Please see below. Due 2/18. Can we put it on the ECN?Thanks!

---

**From:** Doumani, Stephanie M  
**Sent:** Tuesday, February 11, 2014 06:04 PM  
**To:** Dalal-Dheini, Sharvari P; Bump, Micah N; Morgan, Carmen J; Cummings, Kevin J; Parascandola, Ciro A; Viger, Steven W  
**Cc:** OCC-Clearance; ALD; Aucoin, Lauren J; Sweeney, Shelly A; King, Alexander R  
**Subject:** External Cap Documents

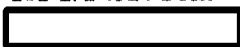
OCC and OP&S,

Attached to this email are our proposed external cap documents (FY 15) for your review.

OCCOMM has made edits to some of the attached documents.

If possible, we would like to have the documents sent back to us with your commentary/ track changes by COB 2/18.

Thank you for your assistance in advance!

*Stephanie Doumani*  
Service Center Operations  
Business Employment Services Team  
202-272-1524 Desk  
 (b)(6)  
[Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov)

## FOR OFFICIAL USE ONLY

### H-1B NONIMMIGRANT VISA PROGRAM

#### BACKGROUND:

- The H-1B nonimmigrant classification is for aliens coming to the United States temporarily to perform services:
  - in a specialty occupation which requires a theoretical and practical application of a body of specialized knowledge, who hold a U.S. bachelor's degree or its equivalent, and, generally, if otherwise required by state or local law, a license, as a minimum requirement for entry into the occupation within the United States;
  - of an exceptional nature requiring exceptional merit and ability relating to certain types of projects administered by the U.S. Department of Defense; or
  - as a fashion model of distinguished merit and ability who has attained national and international acclaim.
- There is a congressionally-mandated numerical limitation of 65,000 per fiscal year for new employment with some exceptions, including:
  - the first 20,000 petitions approved by USCIS where the beneficiary has obtained a U.S. master's degree or higher from a nonprofit or public U.S. institution of higher education;
  - petitions filed on behalf of beneficiaries who will work at nonprofit or public U.S. institutions of higher education or related or affiliated nonprofit entities, nonprofit research organizations or governmental research organizations; and
  - petitions filed between now and December 31, 2014 on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Mariana Islands.
- Petitions filed on behalf of current H-1B workers who have been counted previously against the ~~cap~~ numerical limitation (cap) within the past six years also do not count towards the congressionally mandated annual H-1B cap. This includes petitions to extend the amount of time a current H-1B worker may remain in the United States; petitions to change the terms of employment for current H-1B workers; petitions to allow current H-1B workers who have been counted against the cap to change employers; or petitions to allow current H-1B workers to work concurrently in a second H-1B position.

#### TALKING POINTS:

- On April 7, 2014, USCIS received a sufficient number of petitions to reach the statutory cap for Fiscal Year (FY) 2015. On the same day, USCIS also received more than 20,000 H-1B petitions on behalf of persons exempt from the cap under the U.S. advanced degree exemption. On April 10, 2014, USCIS used a computer-generated random selection process (commonly known as a "lottery") to select a sufficient number of petitions needed to meet the caps of 65,000 for the general category and 20,000 under the U.S. advanced degree exemption limit.
- USCIS continues to accept H-1B1 Chile and Singapore cap cases, as well as H-1B cap-exempt cases.
- The initial and extension periods of validity for H-1B specialty occupation petitions are issued in increments of up to three years. Validity issuance is not to exceed the maximum of six years, with certain exceptions under American Competitiveness in the Twenty-First Century Act of 2000 (AC21). For both initial filings and extensions, the validity period

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issued to the beneficiary should not exceed the period listed on the Labor Condition Application (LCA).

- AC21 allows beneficiaries of H-1B petitions to extend their H-1B status beyond the maximum limit of 6 years and, in certain circumstances, to change employers while their permanent residence process is pending in either increments of one year or three years.
- General fees associated with the filing of an H-1B petition include a base petition fee of \$325, an American Competitiveness and Workforce Improvement Act (ACWIA) fee of either \$1,500/ \$750 (required for initial petitions and first extensions for certain beneficiaries), and a Fraud Prevention and Detection fee of \$500 (required for initial petitions and change of employers; no exceptions). Additionally, the Public Law 111-230 fee of \$2,000 is required for initial petitions or change of employer petitions if the employer has 50 or more employees in the United States and more than 50% of those employees are in H-1B, L-1A, or L-1B status.

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**QUESTIONS and ANSWERS:**

**Question: Is USCIS on track with processing H-1B extension of stay cases within the 60-day window at the California Service Center and the Vermont Service Center?**

**RESPONSE:** The California Service Center is processing H-1B extensions of stay within the 60-day processing goal. The Vermont Service Center is working diligently to reach the goal as soon as possible.

**Question: Has there been a change in policy regarding guidelines for determining employer-employee relationships and third-party placement?**

**RESPONSE:** No. Our guidelines for determining eligibility center around the regulations and our most recently issued 2010 memorandum, "Determining Employer-Employee Relationship for Adjudication of H-1B Petitions, Including Third-Party Site Placements." We have not had a recent change in policy

(b)(5)

**Question: Has USCIS issued new guidance regarding defining "Specialty Occupation" and "Body of Highly Specialized Knowledge"?**

**RESPONSE:** USCIS is currently reviewing its policies and practices related to H-1B adjudications, including the interpretation of the terms "Specialty Occupation" and "Body of Highly Specialized Knowledge".

**Question: What is the current status of the proposed employment authorization for certain H-4 dependent spouses of principal H-1B nonimmigrants?**

**RESPONSE:** On May 12, 2014, DHS published a proposed rule in the Federal Register which would extend the availability of employment authorization to certain H-4 dependent spouses of principal H-1B nonimmigrants. The extension was limited to H-4 dependent spouses of principal H-1B nonimmigrants if the H-1B nonimmigrants are either the beneficiaries of an approved Immigrant Petition for Alien Worker (Form I-140) or have been granted an extension of their authorized period of admission in the United States under the American Competitiveness in the Twenty-first Century Act of 2000 (AC21), as amended by the 21st Century Department of

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Justice Appropriations Authorization Act. ~~Commentary was~~ Approximately 13,000 public comments were submitted during the 60-day comment period, which closed on July 11, 2014. USCIS is currently analyzing the comments and determining what, if any, revisions are needed. While we do not have an estimated date of publication, this rule is an agency priority.

Prepared by: Stephanie Doumani, USCIS/SCOPS, [Stephanie.M.Doumani@uscis.dhs.gov](mailto:Stephanie.M.Doumani@uscis.dhs.gov), (202) 272-1524  
Date: July 14, 2014

This is the number of petitions that USCIS has accepted for this particular type of cap. It includes cases that have been approved or are still pending. It does not include petitions that have been denied.

## **Cap Amounts**

The current annual cap on the H-1B category is 65,000. Not all H-1B nonimmigrants are subject to this annual cap. Please note that up to 6,800 visas are set aside from the cap of 65,000 during each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Unused numbers in this pool are made available for H-1B use for the next fiscal year.

## **When to File an FY 2015 H-1B Cap-Subject Petition**

We will begin accepting H-1B petitions that are subject to the FY 2015 cap on April 1, 2014. You may file an H-1B petition no more than 6 months in advance of the requested start date.

## **How to Ensure USCIS Considers Your H-1B Cap-Subject Petition Properly Filed**

Please comply with the following to ensure that your petition is properly filed:

- Complete all sections of the Form I-129 petition, including the H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129) and the H-1B Data Collection and Filing Fee Exemption Supplement (pages 17 through 19). We accept Form I-129 with a revision date of November 23, 2010, or later.
- Original signatures, preferably in black ink, are required on each form.
- Include a signed check or money order with the correct fee amount.
- Ensure that all required documentation and evidence is submitted with the petition at the time of filing to ensure timely processing.

**Note:** It is your responsibility to ensure that Form I-129 is completed accurately. Failure to complete Form I-129 with the correct information and provide the required fees or documentation may result in the rejection or denial of the H-1B petition.

Additionally, be sure to file the petition at the correct USCIS Service Center. See section below on **"Where to Mail Your H-1B Cap-Subject Petition."**

## **Additional Documents Required With Your Petition**

### **Labor Condition Application (LCA)**

You must submit a certified Department of Labor (DOL) LCA (Form ETA 9035) at the time of filing your petition. A copy of the LCA is acceptable.

Note: USCIS encourages petitioners to keep DOL LCA processing times in mind when preparing the H-1B petition and plan accordingly. If the LCA certified by DOL is for multiple workers, you must provide the name and USCIS case receipt number of any alien who has previously utilized the LCA.

Petitioners should be sure to sign the LCA prior to submitting it with the petition to USCIS.

Please see Department of Labor's [Office of Foreign Labor Certification](#) website for further information on the LCA process.

### **Evidence of Beneficiary's Educational Background**

You must submit evidence of the beneficiary's education credentials at the time of filing. If all of the requirements for the degree have been met, but the degree has not yet been awarded, the following alternate evidence may be submitted:

- A copy of the beneficiary's final transcript; or
- A letter from the Registrar confirming that all of the degree requirements have been met (if the educational institution does not have a Registrar, such letter must be signed by the person in charge of the educational records where the degree will be awarded).

If you are indicating that the beneficiary is qualified based on a combination of education and experience, please provide substantiating evidence at time of filing.

### **A Duplicate Copy of the H-1B Petition**

You must submit a duplicate copy of your H-1B petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable) if the beneficiary will be applying for a nonimmigrant visa abroad. USCIS will not make a second copy if one is not provided.

You may also choose to submit a duplicate copy of the petition and any subsequent response to a Request for Evidence or Notice of Intent to Deny (where applicable), even if the beneficiary is requesting a change of status to H-1B or an extension of stay, in case the beneficiary later decides to seek visa issuance abroad or the H-1B petition is approved but the beneficiary's concurrent change of status or extension of stay request is denied.

You may review the [Department of State](#) website to make sure that the consulate indicated on Form I-129 is able to process the beneficiary's nonimmigrant visa application and for any other consulate-specific special instructions.

## **Multiple or Duplicative Filings**

On March 19, 2008, USCIS announced an interim final rule on H-1Bs to prohibit employers from filing multiple or duplicative H-1B petitions for the same employee. To ensure fair and orderly distribution of available H-1Bs, USCIS will deny or revoke multiple or duplicative petitions filed by an employer for the same H-1B worker and will not refund the filing fees submitted with multiple or duplicative petitions.

## **Where to Mail Your H-1B Cap-Subject Petition**

You must file your petition at the correct Service Center depending on the jurisdiction of the H-1B beneficiary's work location(s) as specified in the petition. We have established specific mailing addresses for purposes of identification and processing of H-1B cap-subject cases.

To determine which jurisdiction you are in, see our Web page [Direct Filing Addresses for Form I-129, Petition for Nonimmigrant Worker](#).

**Note:** A separate mailing address has been established for certain types of educational or nonprofit organizations which file H-1B petitions on behalf of beneficiaries that are exempt from the H-1B numerical limitations.

Please read the filing instructions very carefully. If you file your petition incorrectly, we will reject the petition. Rejected petitions will not retain a filing date and will not be counted toward the H-1B cap.

## **Required Fees**

There are different fees depending on the type of H-1B petition you are submitting. Please refer to *H-1B Data Collection and Filing Fee Exemption Supplement* (pages 17-19 of Form I-129) for detailed instructions on fees.

The following fees may be required with a cap-subject petition:

Base filing fee:

- \$325

**American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee:**

*(see H-1B Data Collection and Filing Fee Exemption Supplement, Part B):*

- \$750 for employers with 1 to 25 full-time equivalent employees, unless exempt
- \$1,500 for employers with 26 or more full-time equivalent employees, unless exempt

**Fraud Prevention and Detection fee:**

- \$500 to be submitted with a request for initial H-1B status or with a request for a beneficiary already in H-1B status to change employers (does not apply to Chile/Singapore H-1B1 petitions)

**Public Law 111-230:**

- \$2,000 to be submitted by a petitioner which employs 50 or more employees in the United States where more than 50 percent of its employees in the United States are in H-1B or L-1 nonimmigrant status.
- must be submitted with a request for initial H-1B status or a request for a beneficiary already in H-1B status to change employers

**Premium Processing fee:**

- \$1,225 for employers seeking Premium Processing Service

**Checks**

Make checks payable to the Department of Homeland Security, dated within the last 6-months, and include the proper guarantee amount and signature.

**Money Orders**

Money orders must be properly endorsed.

**Non-payable Checks or Other Financial Instruments**

USCIS will reject all applications or petitions submitted with the incorrect filing fee. Rejected petitions and petitions in which the check or other financial instrument used to pay the filing fee is returned as non-payable will not retain a filing date. See 8 CFR 103.2(a)(7)(i).

While petitioners are generally provided the opportunity to correct a fee deficiency, pursuant to the regulations, the filing date is not established until and

unless the fee deficiency has been corrected. H-1B cap-subject petitions with non-payable fees will be given a new filing date the day the fee deficiency has been corrected, as long as the cap has not been met. If the new filing date is after the cap has been met, the petition will be rejected.

## **Premium Processing Service**

H-1B petitions are eligible for the Premium Processing Service. Petitioners may choose to file a Request for Premium Processing Service (Form I-907) to have their petition processed within 15 calendar days. To request premium processing submit:

- the Form I-907 and
- the filing fee of \$1,225 (this fee is in addition to the required base filing and other applicable fees and cannot be waived).

You can file the Form I-907 and corresponding fee:

- at the same time as Form I-129 or
- at any time after you file Form I-129 while it is still pending.

If filed after the Form I-129, be sure to include the receipt number (e.g., EAC 12 123 51234) of the Form I-129 in the pertinent section of Form I-907.

Note: We will only accept the 08/10/09N (or later) edition of Form I-907.

Please see the link to the right for more information concerning the Premium Processing program.

## **Organizing your H-1B package**

Clearly label all H-1B cap cases, preferably in red ink, on the top margin of Form I-129. Use the following codes:

- Regular Cap (65,000 regular cap cases, not including Chile/Singapore cap cases)
- C/S Cap (Chile/Singapore H-1B1s)
- U.S. Master's (20,000 exemption for beneficiaries with U.S. master's or higher degrees)

A separate check for each applicable filing fee (Form I-129, Premium Processing, Fraud Fee, ACWIA fee, and Public Law 111-230) is preferred. Applicable fees should be stapled to the bottom right corner of the top document.

**Preferred order of documents at time of submission:**

- Form I-907 (if filing for Premium Processing Service)
- Form G-28 (if represented by an attorney or accredited representative)
- Form I-129, Petition for a Nonimmigrant Worker
- Addendums/Attachments
- H Classification Supplement to Form I-129 and/or Free Trade Supplement (for H-1B1 Chile-Singapore petitions)
- H-1B Data Collection and Filing Fee Exemption Supplement
- All supporting documentation to establish eligibility
- Provide a Table of Contents for supporting documentation
  - Tab items as listed in Table of Contents
  - Arrival-Departure Record (Form I-94) if the beneficiary is in the U.S.
  - SEVIS Form I-20 if the beneficiary is a current or former F-1 student or F-2 dependent
  - SEVIS Form DS-2019 if the beneficiary is a current or former J-1 or J-2
  - Form I-566 if the beneficiary is a current A or G nonimmigrant
  - DOL certified LCA, Form ETA 9035
  - Employer/attorney/representative letter(s); and
  - Other supporting documentation.
- Duplicate copy of the petition, if necessary. Clearly identify the duplicate copy of the petition as "COPY", so that it is not mistaken for a duplicate filing.

**How to mail multiple petitions together**

If multiple petitions will be included in the same courier service or Post Office package, please place individual petitions into separate envelopes within the package. Individual petition envelopes should be marked with the following labels to reference the type of petition:

- Master's Premium
- Master's
- Regular Premium
- Regular
- Chile/Singapore

## **Filing Tips:**

### **Form G-28, Notice of Entry of Appearance as Attorney or Representative**

If the petitioner will be represented by an attorney or other accredited representative, a properly executed Form G-28 should be submitted. Each Form G-28 should include the following:

- All sections completed
- The printed name and signature of the representative
- The original signature of the petitioner.

### **Form I-129, Petition for a Nonimmigrant Worker**

- Complete all sections of the form accurately.
- H-1B cap petitions and advanced degree exemption petitions for the FY15 cap must include an employment start date of no earlier than October 1, 2041, and no earlier than six months before the requested employment start date. H-1B petitions requesting an earlier employment start date or a start date of "As Soon As Possible" or "ASAP" will be rejected.
- Ensure that the petition is properly signed. Please see the Related Links section for more information on properly signing the petition.
- Petitioners should enter their own address in Part 1, question 3 of the Form I-129 to ensure that the I-797 receipt and approval notices are sent to the petitioner.

Please note: Using an address other than the petitioner's address as the mailing address may cause processing delays related to the Validation Instrument for Business Enterprises (VIBE), as VIBE automatically uses the address provided on the petition to validate the petitioner's current location. If petitioners use an attorney's address as the mailing address on the I-129 petition, a cover letter should be included with the filing that clearly indicates the current address of the petitioner. This information will be used to assist the Immigration Services Officer (ISO) in completing a manual check in VIBE using the petitioner's address. In addition, if an attorney's address is used as the petitioner's mailing address on the form, the petitioner will not receive any I-797 notices.

- Ensure the beneficiary's name is spelled properly and that his/her date of birth is displayed in the proper format (mm/dd/yyyy). Also, country of birth/citizenship and the I-94 number (if applicable) should be reviewed for accuracy.

- If the beneficiary will ultimately be seeking issuance of a visa at a consular office abroad, a copy of the petition and supporting documentation should be included with the filing. For cases where the beneficiary will be seeking a change of status or extension of stay in the United States, you may still choose to submit a duplicate copy in the event the beneficiary will be seeking issuance of a visa at a consular office abroad subsequent to the approval of the change of status or extension of stay is suggested, but not necessary.
- If the beneficiary is seeking an extension or change of status, the petition should include evidence (e.g. Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.
- The petitioner should include a copy of the beneficiary's valid passport.

#### **H Classification Supplement to Form I-129 (pages 11 and 12 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- In listing previous periods of stay in H/L classification (question 3), please also include the actual nonimmigrant classification held (e.g. H-1B or L-1).
- Petitioner must sign the form, preferably in black ink.

#### **H-1B Data Collection and Filing Fee Supplement form (pages 17 through 19 of Form I-129)**

- Please be sure to complete all sections of the form accurately.
- Please enclose page 17 through 19 of the Form I-129 (with a revision date of November 23, 2010 or later).
- Be sure to answer appropriately in Part A, question 2 and Part C, question 2 if the beneficiary has earned a master's degree or higher from a U.S. educational institution as defined in 20 U.S.C. 1001(a).
- If the answer to the first question in Part D on page 19 is "No," that the beneficiary will not be assigned to work at an off-site location, then responses to the remaining two questions in Part D are not required.

#### **Form I-907, Request for Premium Processing**

- Please be sure to complete all sections of the form accurately with original signatures. Note: We will accept the 08/10/09 edition of Form I-907 (or later).
- The representative may sign in both Parts 3 and 4 of the Form I-907 if there is a valid Form G-28 with the filing. Otherwise, the petitioner's signature is required. Preferably, the signature(s) should be in black ink.
- Please include a copy of the Form I-129 receipt notice along with the Form I-907 when Form I-907 is filed after the filing of Form I-129.



U.S. Citizenship  
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# Questions and Answers

[insert date]

## Extension of Post Completion Optional Practical Training (OPT) and F-1 Status for Eligible Students under the H-1B Cap-Gap Regulations

### Introduction

These Questions & Answers address the automatic extension of F-1 student status in the United States for certain students with pending or approved H-1B petitions (indicating a request for change of status from F-1 to H-1B) for an employment start date of October 1, 2014 under the Fiscal Year (FY) 2015 H-1B cap

### Questions & Answers

#### **Q1. What is “Cap-Gap” and how does it occur?**

*A1.* An employer may not file, and USCIS may not accept, an H-1B petition submitted more than six months in advance of the date of actual need for the beneficiary’s services or training. As a result, the earliest date that an employer can file an H-1B cap-subject petition is April 1, for the following fiscal year, starting October 1. If USCIS approves the H-1B petition and the accompanying change of status request, the earliest date that the student may start the approved H-1B employment is October 1. The period of time when an F-1 student’s status and work authorization expire through the start date of their approved H-1B employment period is known as the “Cap-Gap”.

#### **Q2. What is the “Cap-Gap” extension?**

*A2.* Current regulations allow certain students with pending or approved H-1B petitions to remain in F-1 status during the period of time when an F-1 student’s status and work authorization would otherwise expire through the start date of their approved H-1B employment period. This is referred to as filling the “cap-gap,” meaning the regulations provide a way of filling the “gap” between the end of F-1 status and the beginning of H-1B status that might otherwise occur if F-1 status is not extended for qualifying students.

#### **Q3. Which petitions and beneficiaries qualify for a cap-gap extension?**

*A3.* H-1B petitions that are timely filed, on behalf of an eligible F-1 student, that request a change of status to H-1B on October 1 qualify for a cap-gap extension.

Timely filed means that the H-1B petition (indicating change of status rather than consular processing) was filed during the H-1B acceptance period which begins April 1, 2014 while the student’s authorized F-1 duration of status (D/S) admission was still in effect (including any period of time during the academic course of study, any authorized periods of post-completion Optional Practical Training (OPT), and the 60-day departure preparation period, commonly known as the “grace period”).

Once a timely filing has been made, requesting a change of status to H-1B on October 1, the automatic cap-gap extension will begin and will continue until the H-1B petition adjudication process has been completed. If the student’s H-1B petition is selected and approved, the student’s extension will continue through September 30. If the student’s H-1B petition is denied, withdrawn, revoked, or is not selected, the student will have the standard 60-day grace period from the date of the rejection notice or their program end date, whichever is later, to prepare for and depart the United States.

Students are strongly encouraged to stay in close communication with their petitioning employer during the cap-gap extension period for status updates on the H-1B petition processing.

**Q4. What if I do not qualify for the “Cap-Gap” extension?**

A4. F-1 students who do not qualify for a cap-gap extension, and whose periods of authorized stay expire before October 1, are required to leave the United States, apply for an H-1B visa at a consular post abroad, and then seek readmission to the United States in H-1B status, for the dates reflected on the approved H-1B petition.

**Q5. How does a student covered under the cap-gap extension obtain proof of continuing status?**

A5. The student should go to their Designated School Official (DSO) with evidence of a timely filed H-1B petition (indicating a request for change of status rather than for consular processing), such as a copy of the petition and a FedEx, UPS, or USPS Express/certified mail receipt. The student's DSO will issue a preliminary cap-gap I-20 showing an extension until June 1.

If the H-1B petition is selected for adjudication, the student should return to his or her DSO with a copy of the petitioning employer's Form I-797, Notice of Action, with a valid receipt number, indicating that the petition was filed and accepted. The student's DSO will issue a new cap-gap I-20 indicating the continued extension of F-1 status.

**Q6. Is a student who becomes eligible for an automatic cap-gap extension of status and employment authorization, but whose H-1B petition is subsequently rejected, denied or revoked, still allowed the 60-day grace period?**

A6. If USCIS denies, rejects, or revokes an H-1B petition filed on behalf of an F-1 student covered by the automatic cap-gap extension of status, the student will have the standard 60-day grace period (from the date of the notification of the denial, rejection, or revocation of the petition) before he or she is required to depart the United States.

For denied cases the 60-day grace period does not apply to an F-1 student whose accompanying change of status request is denied due to the discovery of a status violation, misrepresentation, or fraud. The student in this situation is not eligible for the automatic cap-gap extension of status or the 60-day grace period. Similarly, the 60-day grace period and automatic cap-gap extension of status would not apply to the case of a student whose petition was revoked based on a finding of a status violation, fraud or misrepresentation discovered following approval. In both of these instances, the student would be required to leave the United States immediately.

**Q7. May students travel outside the United States during a cap-gap extension period and return in F-1 status?**

A7. No. A student granted a cap-gap extension who elects to travel outside the United States during the cap-gap extension period, will not be able to return in F-1 status. The student will need to apply for an H-1B visa at a consular post abroad prior to returning. As the H-1B petition is for an October 1 start date, the student should be prepared to adjust his or her travel plans, accordingly.

**Q8. What if a student's post-completion OPT has expired and the student is in a valid grace period when an H-1B cap-subject petition is filed on their behalf? It appears that F-1 status would be extended, but would OPT also be extended?**

A8. No. F-1 students who have entered the 60-day grace period are not employment-authorized. If an H-1B cap-subject petition is filed on the behalf of a student who has entered the 60-day grace period, the student will receive the automatic cap-gap extension of his or her F-1 status, but will not become employment-authorized (since the student was not employment-authorized at the time H-1 petition was filed, there is no employment authorization to be extended).

**Q9. Do the limits on unemployment time apply to students with a cap-gap extension?**

*A9.* Yes. The 90-day, or 120-day for STEM OPT, limitation on unemployment during the post-completion OPT authorization continues during the cap-gap extension.

**Q10. What is a STEM OPT extension?**

*A10.* F-1 students who receive science, technology, engineering, and mathematics (STEM) degrees included on the STEM Designated Degree Program List, are employed by employers enrolled in E-Verify, and who have received an initial grant of post-completion OPT employment authorization related to such a degree, may apply for a 17-month extension of such authorization. F-1 students may obtain additional information about STEM OPT extensions on the Student and Exchange Visitor Program website at [www.ice.gov/sevis](http://www.ice.gov/sevis).

**Q11. May a student eligible for a cap-gap extension of post-completion OPT employment authorization and F-1 status apply for a STEM OPT extension while he or she is in the cap-gap extension period?**

*A11.* Yes. However, such application may not be made once the cap-gap extension period is terminated (e.g., if the H-1 petition is rejected, denied, or revoked), and the student has entered the 60-day departure preparation period.

**Q12. In recent years, employers have been able to file H-1B cap-subject petitions after April 1, and have not always requested an October 1 start date. However, some students' OPT end dates were nevertheless shortened to September 30, even though their H-1B employment would not begin until a later date. What should the student do to correct this?**

*A12.* The student should contact their DSO. The DSO may request a data fix in SEVIS by contacting the SEVIS helpdesk.

**Q13. If the student has an approved H-1B petition and change of status, but is laid off/terminated by the H-1B employer before the effective date, and the student has an unexpired EAD issued for post-completion OPT, can the student retrieve any unused OPT?**

*A13.* Yes. The student will remain in student status and can continue working OPT using the unexpired EAD until the H-1B change of status goes into effect. The student also needs to make sure that USCIS receives a withdrawal request from the petitioner before the H-1B change of status effective date. This will prevent the student from changing to H-1B status. Once the petition has been revoked, the student must provide their DSO with a copy of the USCIS acknowledgement of withdrawal (i.e., the notice of revocation). The DSO may then request a data fix in SEVIS, to prevent the student from being terminated in SEVIS on the H-1B effective date, by contacting the SEVIS helpdesk.

If USCIS does not receive the withdrawal request prior to the H-1B petition change of status effective date, then the student will need to stop working, file a Form I-539 to request reinstatement, and wait until the reinstatement request is approved, before resuming employment.

**Q14. If the student finds a new H-1B job, can he or she continue working with his/her approved EAD while the data fix in SEVIS is pending?**

*A14.* Yes, if the (former) H-1B employer timely withdrew the H-1B petition and the following conditions are true:

- the student finds employment appropriate to his or her OPT;
- the period of OPT is unexpired; and
- the DSO has requested a data fix in SEVIS.

Note: If the student had to file Form I-539 to request reinstatement to F-1 student status, the student may not work or attend classes until the reinstatement is approved.

**Q15. Can the student work past October 1 on their OPT (their EAD card will still show the original end date) if the request to change the end date back is pending?**

*A15.* If the H-1B revocation occurs before October 1, the student may continue working while the data fix remains pending, because the student will still be in valid F-1 status.

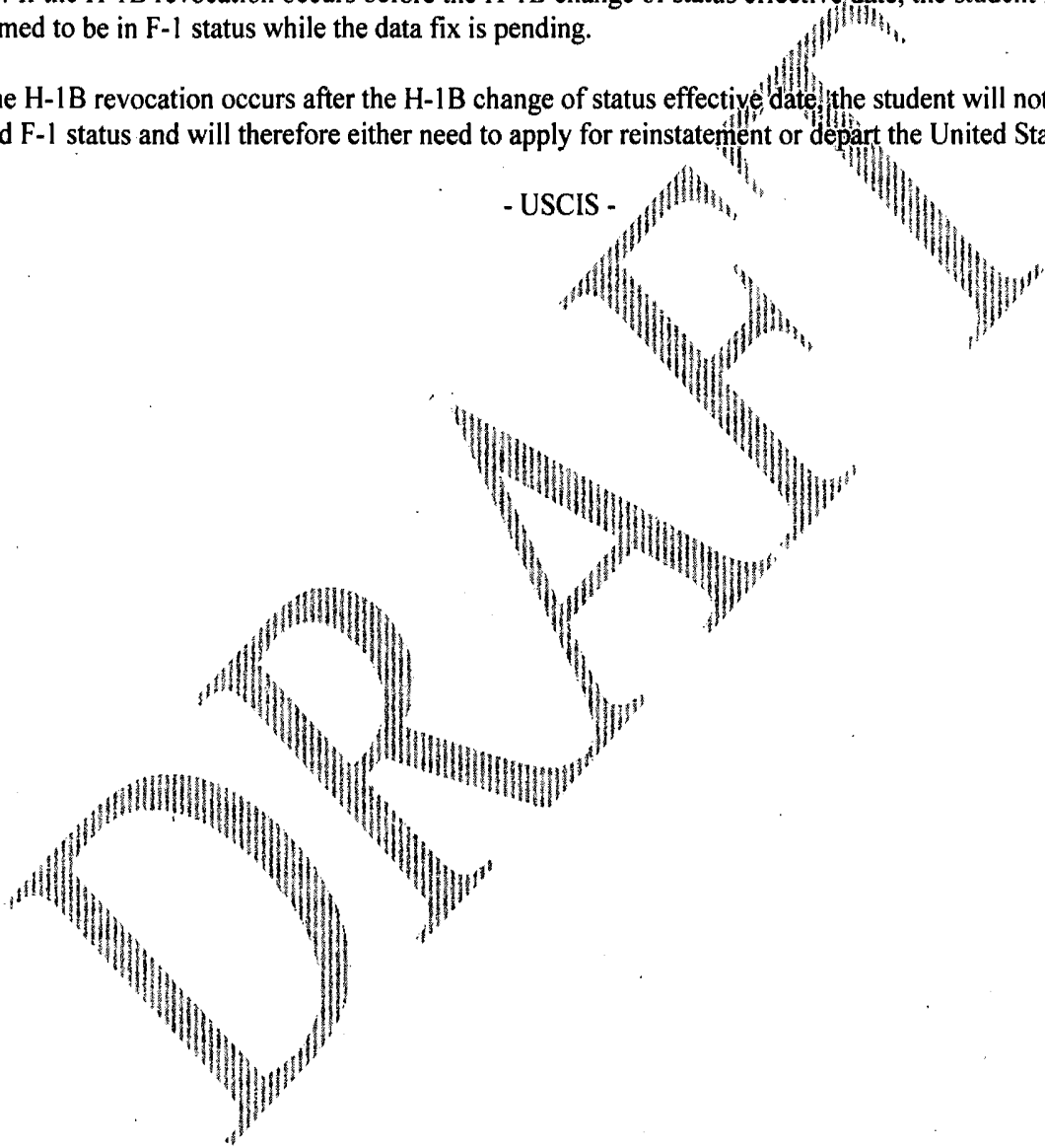
If the H-1B revocation occurs on or after October 1, the student will need to stop working before October 1, apply for reinstatement, and wait until the reinstatement request is approved before resuming employment.

**Q16. Are students in valid F-1 status while the request to change the OPT end date is pending?**

*A16.* If the H-1B revocation occurs before the H-1B change of status effective date, the student is still deemed to be in F-1 status while the data fix is pending.

If the H-1B revocation occurs after the H-1B change of status effective date, the student will not be in valid F-1 status and will therefore either need to apply for reinstatement or depart the United States.

- USCIS -



## **USCIS Announcement Regarding Premium Processing for H-1B Cap-Subject Petitions**

The filing period for H-1B petitions subject to the fiscal year (FY) 2015 numerical cap begins on April 1, 2014. USCIS anticipates that it may receive more than 65,000 cap-subject H-1B petitions and more than 20,000 petitions filed on behalf of individuals with a U.S. master's degree or higher between April 1-7, 2014.

USCIS provides premium processing service for certain employment-based petitions and guarantees a 15-calendar-day processing time. Due to the historic premium processing receipt levels, combined with the possibility that the H-1B cap will be met in the first 5 business days of the filing season, USCIS has temporarily adjusted its current premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, and in accordance with 8 CFR 103.7(e)(3)(ii), USCIS is announcing that premium processing for cap-subject H-1B petitions, including H-1B petitions seeking an exemption from the fiscal year cap for individuals who have earned a U.S. master's degree or higher, will begin on April 21, 2014.

USCIS will continue to accept Form I-907, Request for Premium Processing Service, with fee, concurrently with the Form I-129, Petition for Nonimmigrant Worker, during the time period that premium processing is unavailable - from April 1- 20, 2014. Petitioners may also upgrade a pending H-1B cap petition to premium processing once a receipt notice is issued. All requests for premium processing received between April 1-20 2014, will be adjudicated when premium processing begins on April 21, 2014.

While the Form I-797 receipt notice may indicate the date that the premium processing fee is received, the 15-day processing period set by 8 CFR 103.7(e)(2) will not begin until April 21, 2014. The 15-day processing period for premium processing service for H-1B petitions that are not subject to the cap, or for any other eligible classification, continues to begin on the date that the request is received.

## USCIS Reaches FY 2015 H-1B Cap

Release Date: [date]

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of H-1B petitions to reach the statutory cap of 65,000 for fiscal year (FY) 2015. USCIS has also received more than 20,000 H-1B petitions filed on behalf of persons exempt from the cap under the advanced degree exemption.

USCIS received approximately [number] H-1B petitions during the filing period, including petitions filed for the advanced degree exemption. On [RNG date], USCIS used a computer-generated random selection process (commonly known as a “lottery”) to select a sufficient number of petitions needed to meet the 65,000-general category cap, and 20,000 under the advanced degree exemption limit. For cap-subject petitions not randomly selected, USCIS will reject and return the petition with filing fees, unless it is found to be a duplicate filing.

The agency conducted the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected were part of the random selection process for the 65,000 limit.

As announced on [date], 2014, USCIS has temporarily adjusted its premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, USCIS will begin premium processing for H-1B cap cases on April 21, 2014. For more information on premium processing for FY 2015 cap-subject petitions, please see the related USCIS Alert.

USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Petitions filed on behalf of current H-1B workers who have been counted previously against the cap will not be counted towards the congressionally-mandated FY 2015 H-1B cap. Accordingly, USCIS will continue to accept and process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the U.S.;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields including, but not limited to: scientists, engineers, or computer programmers.

For more information on USCIS and its programs, please visit [www.uscis.gov](http://www.uscis.gov) or follow us on Twitter (@uscis), YouTube (/uscis) and the USCIS blog *The Beacon*



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# USCIS Update

[DATE]

## USCIS Reaches FY2015 H-1B Cap

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2015. USCIS has also received more than 20,000 H-1B petitions filed on behalf of persons exempt from the cap under the U. S. advanced degree exemption.

Before running the random selection process, USCIS will complete initial data entry for all filings received during the filing period ending on April 7, 2014. Due to the high number of petitions, USCIS is not yet able to announce the precise day on which it will conduct the random selection process.

USCIS will carry out the computer-generated random selection process for all cap-subject petitions received. USCIS will select the number of petitions needed to meet the caps of 65,000 for the general category and 20,000 under the advanced degree exemption limit. USCIS will reject, and return filing fees for all cap-subject petitions which are not randomly selected, unless found to be a duplicate filing.

The agency will conduct the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected will be part of the random selection process for the 65,000 limit.

USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Pursuant to the Immigrant and Nationality Act, petitions filed on behalf of current H-1B workers who have been counted previously against the cap will not be counted towards the congressionally-mandated FY 2015 H-1B cap. Accordingly, USCIS will continue to accept and process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the U.S.;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields including, but not limited to: scientists, engineers, or computer programmers.

For more information on USCIS and its programs, please visit [www.uscis.gov](http://www.uscis.gov) or follow us on Twitter ([@uscis](https://twitter.com/uscis)), YouTube ([/uscis](https://www.youtube.com/user/uscis)) and the USCIS blog *The Beacon*.

(b)(5)

Comment [U1]:

FOR OCC:



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# USCIS Update

[date]

## **USCIS to Accept H-1B Petitions for Fiscal Year 2015 Beginning April 1, 2014** *Petitioners are Reminded to Follow Regulatory Requirements*

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) announced today that it will begin accepting H-1B petitions subject to the Fiscal Year (FY) 2015 cap on April 1, 2014. Cases will be considered accepted on the date that USCIS takes possession of a properly filed petition with the correct fee. USCIS will not rely upon the date that the petition is postmarked.

The Congressionally-mandated cap of H-1B petitions for FY 2015 is 65,000. The first 20,000 H-1B petitions filed on behalf of individuals with U.S. master's degree or higher are exempt from the 65,000 cap.

Based on feedback from a number of stakeholders, USCIS anticipates that it may receive more petitions than the H-1B cap during the first five business days of this year's program. USCIS will monitor the number of petitions received and notify the public of the date on which the numerical limit of the H-1B cap has been met, as the final receipt date. If an excess of petitions is received, USCIS will use a lottery system to randomly select the number of petitions required to reach the numerical limit. USCIS will reject petitions that are subject to the cap and are not selected, as well as petitions received after it has the necessary number of petitions needed to meet the cap. USCIS used the lottery for the FY2014 program last April.

In addition, H-1B cap cases can continue to request premium processing concurrently. Due to the historic premium processing receipt levels, combined with the possibility that the H-1B cap will be met in the first 5 business days of the filing season, USCIS has temporarily adjusted its current premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, USCIS will begin premium processing for H-1B cap cases on April 21, 2014. For more information on premium processing for FY 2015 cap-subject petitions, please see the USCIS Alert.

H-1B petitioners should follow all statutory and regulatory requirements as they prepare petitions, in order to avoid delays in processing and possible requests for evidence. USCIS has developed detailed information, including an optional checklist to assist in the completion and submission of a FY 2015 H-1B petition. The processing worksheet is available on the USCIS website, [www.uscis.gov](http://www.uscis.gov).

(b)(5)

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including, but not limited to: scientists, engineers, or computer programmers.

Comment [U1]:

For OCC:

For more information on the H-1B nonimmigrant visa program and current Form I-129 processing times, visit the H-1B FY 2015 Cap Season Web page or call the National Customer Service Center at (800) 375-5283.

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Office of Communications

U.S. Citizenship and Immigration Services

# USCIS Update

[DATE]

## USCIS Continues to Accept FY 2015 H-1B Petitions

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) today announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2015 cap. The agency began accepting these petitions on April 1, 2014.

(b)(5)

USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. master's degree or higher cap exemption.

USCIS has received approximately (XXXXX) H-1B petitions counting toward the 65,000 cap, and approximately (XXXXX) petitions toward the 20,000 cap exemption for individuals with advanced degrees.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise. Such workers include, but are not limited to, scientists, engineers, and computer programmers, among others.

USCIS will provide regular updates on the processing of FY 2015 H-1B petitions. These updates and helpful filing information can be found at USCIS's website highlighting the H-1B program. Should USCIS receive the number of petitions needed to meet the cap, it will issue an update advising the public that the FY 2015 H-1B cap has been met and notify the public of the "final receipt date."

The date USCIS informs the public that the cap has been reached may differ from the actual final receipt date.

If necessary, USCIS may randomly select the number of petitions received on the final receipt date that will be considered for final inclusion within the cap. The agency will reject petitions subject to the cap that are not selected, as well as those received after the final receipt date. Whether a petition is received by the final receipt date will be based on the date USCIS physically receives the properly filed petition, not the date that the petition was postmarked.

Cases for premium processing (faster processing of certain employment-based petitions and applications) of H-1B petitions filed during an initial five-day filing window are undergoing a 15-day processing period that began April [insert date]. For all other H-1B petitions filed for premium processing, the processing period begins on the date that the properly filed petition is physically received at the correct USCIS Service Center.

Meanwhile, petitions filed by employers who are exempt from the cap, as well as petitions filed on behalf of current H-1B workers who have been counted previously against the cap within the past six years, will not count toward the cap.

For more information on USCIS and its programs, visit [www.uscis.gov](http://www.uscis.gov).

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