

**From:** [Choi, Heesun S \(Sunny\)](#)  
**To:** [Miran, Maria Y](#); [Morse, Miriam A](#); [Angustia, Kathleen M \(Kate\)](#); [Cox, Robert H](#); [Bump, Micah N](#); [Gisser, Sheldon A \(Alex\)](#); [Mahadevan, Sheila](#); [Elder, Phillip D](#)  
**Subject:** RE: For Visibility: Known Employer Pilot Expiration Alert Box  
**Date:** Monday, December 21, 2020 6:34:26 PM  
**Attachments:** [Known Employer Expiration Letter - Participants.docx](#)

---

+Phillip as he and I reviewed the attached letter that went out to the 5 participants.

**From:** Miran, Maria Y <[redacted]>  
**Sent:** Monday, December 21, 2020 6:37 PM  
**To:** Morse, Miriam A <[redacted]> Angustia, Kathleen M (Kate) <[redacted]>; Cox, Robert H <[redacted]>; Bump, Micah N <[redacted]> Gisser, Sheldon A (Alex) <[redacted]> Mahadevan, Sheila <[redacted]>; Miran, Maria Y <[redacted]>  
**Cc:** Choi, Heesun S (Sunny) <[redacted]>; ALD <cisoccald@uscis.dhs.gov>  
**Subject:** FW: For Visibility: Known Employer Pilot Expiration Alert Box

(b)(6)

FYI

Maria (for ALD Box)

---

**From:** OCC-Clearance <OCC-Clearance@uscis.dhs.gov>  
**Sent:** Monday, December 21, 2020 6:19 PM  
**To:** ALD <cisoccald@uscis.dhs.gov>  
**Subject:** FW: For Visibility: Known Employer Pilot Expiration Alert Box

FYI.

---

**From:** Echevarria, Alexandra N <[redacted]>  
**Sent:** Monday, December 21, 2020 4:52 PM  
**To:** OCC-Clearance <OCC-Clearance@uscis.dhs.gov>; Policy-Clearance <USCISPolicy@uscis.dhs.gov>  
**Cc:** Adedokun, Imoleayo A (Ademide) <[redacted]>; Hetlage, Daniel D (Dan) <[redacted]>; Scheidhauer, Sharon E <[redacted]>; Bourke, Matthew D <[redacted]>; Munoz-Acevedo, Carlos <[redacted]>; Syfert, Kate M <[redacted]>; Lowman, Sarah A <[redacted]>; #USCIS OLA Clearance <##USCISOLAClearance@uscis.dhs.gov>; Fauquet, Brandon L <[redacted]>; Tintary, Ruth E <[redacted]>  
**Subject:** For Visibility: Known Employer Pilot Expiration Alert Box

(b)(6)

Hi OCC and OP&S,

The Known Employer pilot will be expiring on Dec. 31. At the moment there are only 5 employers that participate in the pilot (at the invitation of USCIS):

1. Citigroup Global Markets, Inc.
2. Ernst & Young U.S. LLP
3. General Motors Company
4. Schaeffler Group USA, Inc.
5. Corporation of the Presiding Bishop of the Church of Jesus Christ of the Latter-day Saints

SCOPS originally asked us to publish a web alert but after some back and forth, we were informed that they already notified each of the participants directly on Nov. 25 via email (email attached). Since this is such a small group of participants and since they have already been notified, we have instead decided to put an alert box at the top of the [Known Employer Pilot webpage](#) and then archive the page on Jan. 1. USCIS has always been clear that in its discretion, USCIS may terminate or extend the pilot at any time. **For your visibility**, below is the alert box we will be adding.

**ALERT:** On December 31, 2020, the Known Employer Pilot will expire as USCIS has elected to not further extend the pilot. USCIS will continue to process applications submitted under the pilot through Dec. 31, and will reject any applications submitted under the pilot starting Jan. 1, 2021. USCIS thanks all who were involved in the pilot.

Thanks,

**Alex Echevarria**  
**Communications Strategist, Office of Public Affairs**

Mobile

[REDACTED]

(b)(6)

This email was sent while teleworking.

Known Employer Participant,

On behalf of the U.S. Department of Homeland Security (DHS), I am writing to notify you that the Known Employer Pilot Program is expiring on December 31, 2020. Our Agency is grateful for your participation in the pilot and the feedback you provided for the project. USCIS is currently involved in the creation of an electronic environment which may incorporate elements from the Known Employer pilot, but which will also have advantageous features beyond the pilot.

Expiration of the pilot will have no adverse impact on your ability to file individual petitions or applications on behalf of prospective employees, through the normal filing process. Any documents that you provided in support of your Form I-950 will not be returned or removed from the Known Employer Document Library. Rather, these documents will be retained in accordance with the USCIS and National Archives and Records Administration (NARA) records retention schedules for such systems and forms. Moreover, while USCIS is required to retain these documents, in accordance with NARA's statutes and regulations, we cannot utilize the information for processing any other forms which you might submit. For that reason, when submitting any petitions or applications you must submit all of the evidence which is required by the regulations for establishing eligibility for the benefit sought.

Thank you again for your participation,

The Known Employer Team

**From:** [Blasi, Peter J](#)  
**To:** [Collins, Gregory A](#)  
**Subject:** RE: Known Employer Approval/Denial Rates from 2016 to 2020  
**Date:** Monday, September 20, 2021 8:59:34 AM  
**Attachments:** [Known employer pilot program filed between 2016 and 2021 with HAC SKE.xlsx](#)

(b)(5) [Redacted]

**From:** Collins, Gregory A <[Redacted]> (b)(6)  
**Sent:** Monday, September 20, 2021 9:57 AM  
**To:** Blasi, Peter J <[Redacted]>  
**Subject:** RE: Known Employer Approval/Denial Rates from 2016 to 2020

(b)(5) Thank you Peter [Redacted]

**Gregory Collins / Program Manager**  
 DHS | USCIS | Service Center Operations | EPIC

Cell Phone: [Redacted] (b)(6)  
 Desk Phone: [Redacted]

**From:** Blasi, Peter J <[Redacted]> (b)(6)  
**Sent:** Monday, September 20, 2021 9:52 AM  
**To:** Collins, Gregory A <[Redacted]>  
**Subject:** RE: Known Employer Approval/Denial Rates from 2016 to 2020

Yes, I noticed those as well. I can remove them from the excel and resend the report.

**From:** Collins, Gregory A <[Redacted]>  
**Sent:** Monday, September 20, 2021 9:45 AM  
**To:** Blasi, Peter J <[Redacted]> (b)(6)  
**Subject:** RE: Known Employer Approval/Denial Rates from 2016 to 2020

Hi Peter,

I'm going through the excel data you provided us and noticed a couple of outliers:

<b>I129</b>	<b>8</b>	<b>16</b>	<b>4</b>	<b>661</b>	<b>329</b>	<b>24</b>	<b>1,042</b>
[Redacted]							
CITIGROUP GLOBAL MARKETS		12	1	1	1		15
ERNST & YOUNG US LLP		1					1
GENERAL MOTORS COMPANY				1	5		6
[Redacted]							
SCHAEFFLER GROUP INC	8	2	2				12
[Redacted]							
THE CHURCH OF JESUS CHRIST OF LATT		1		657	322	24	1,004
<b>I140</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>100</b>	<b>70</b>	<b>4</b>	<b>179</b>
AMAZON WEB SERVICES INC	1						1
ERNST & YOUNG US LLP					1		1
GENERAL MOTORS COMPANY				97	67	4	168
[Redacted]							

(b)(5)

	1	3	3	1		8
--	---	---	---	---	--	---

(b)(5)

Thank you,

**Gregory Collins / Program Manager**

DHS | USCIS | Service Center Operations | EPIC

Cell Phone: [redacted] (b)(6)  
Desk Phone: [redacted]

---

**From:** Bacote, Robert R (Bob) [redacted] (b)(6)  
**Sent:** Monday, September 20, 2021 9:08 AM  
**To:** Collins, Gregory A <[redacted]>; Blasi, Peter J <[redacted]>  
**Subject:** RE: Known Employer Approval/Denial Rates from 2016 to 2020

Greg,

It's all Peter, he's a master at his portfolio.

Robert R. Bacote  
Branch Chief, Business Analysis Branch  
Program Management and Data Division (PMDD)  
USCIS, Service Center Operations  
Office: [redacted]  
iPhone: [redacted]

[redacted] (b)(6)

---

**From:** Collins, Gregory A <[redacted]>  
**Sent:** Monday, September 20, 2021 9:06 AM  
**To:** Blasi, Peter J <[redacted]> (b)(6)  
**Cc:** Bacote, Robert R (Bob) <[redacted]>  
**Subject:** RE: Known Employer Approval/Denial Rates from 2016 to 2020

That was stunningly quick, thank you Peter and Bob. I'll share with John and Mike, and again, thank you for taking a ridiculously short timed request and making it work.

**Gregory Collins / Program Manager**  
DHS | USCIS | Service Center Operations | EPIC

Cell Phone: [redacted]  
Desk Phone: [redacted] (b)(6)

---

**From:** Blasi, Peter J [redacted]  
**Sent:** Monday, September 20, 2021 8:20 AM  
**To:** Collins, Gregory A <[redacted]> (b)(6)  
**Cc:** Bacote, Robert R (Bob) [redacted]  
**Subject:** FW: Known Employer Approval/Denial Rates from 2016 to 2020

Good morning Gregory,

Please find attached the requested Known Employer report. Please contact me with any questions.

- Annual volume of petitions filed under Known Employer (HAC code SKE), separated by petitioner.
  - Covering January 1<sup>st</sup>, 2016 to December 31<sup>st</sup>, 2020
- a separate report on the number of approvals/denials we saw on KE petitions as a whole. Just the number of approvals for all SKE files compared against the number of denials of all SKE files.

Thank you

Peter

---

**From:** Bacote, Robert R (Bob) [redacted]  
**Sent:** Friday, September 17, 2021 3:26 PM  
**To:** Blasi, Peter J [redacted] (b)(6)  
**Subject:** FW: Known Employer Approval/Denial Rates from 2016 to 2020

Hi Peter,

I know you have worked on several data pulls for Known Employer, so can you pull this data when you return on Monday morning.

Thanks

Robert R. Bacote  
Branch Chief, Business Analysis Branch  
Program Management and Data Division (PMDD)  
USCIS, Service Center Operations  
Office: [redacted]  
iPhone: [redacted] (b)(6)

---

**From:** Collins, Gregory A [redacted]  
**Sent:** Friday, September 17, 2021 3:05 PM  
**To:** Bacote, Robert R (Bob) [redacted]  
**Cc:** Fortes, Michael J [redacted]; Kilbane, John R [redacted]  
**Subject:** Known Employer Approval/Denial Rates from 2016 to 2020

Hello Bob,

We've had a request to meet with one of the Director's special advisors on Monday in the afternoon. In preparation for that meeting, EPIC was hoping to request some data from BAB for the discussion. We realize it's a bit last minute, but would it be possible for BAB to provide us with a report on the Known Employer program with details on the following:

- Annual volume of petitions filed under Known Employer (HAC code SKE), separated by petitioner.
  - Covering January 1<sup>st</sup>, 2016 to December 31<sup>st</sup>, 2020
- a separate report on the number of approvals/denials we saw on KE petitions as a whole. Just the number of approvals for all SKE files compared against the number of denials of all SKE files.

We realize this is really last minute, but it would be useful to have the data on hand for the discussion (which occurs at 2 pm EST.)

Thank you,

**Gregory Collins / Program Manager**  
DHS | USCIS | Service Center Operations | EPIC

Cell Phone:  
Desk Phone:

(b)(6)

Hi Judy,

You had asked me to summarize my thoughts on the Known Employer program and send them to you. Please see below. Also, attached is the spreadsheet VSC uses to track these filings.

Form I-950 and the Known Employer program was established to allow petitioners to submit documentation relating to the viability of the petitioner in the U.S. Review of the Form I-950 application and the Form I-950 approval notice shows that there are six (6) reasons for predetermination of a petitioner:

H1B Cap Exemption

H1B ACWIA Fee Exemption

Qualifying Relationship and Doing business for L's

Qualifying Relationship, Multinational and Doing Business for I-140's

Private Employer Requirements for I-140's

Ability to Pay for I-140's

While the first two (2) items above are relevant to the cases VSC currently works, the same information can be obtained directly from the I-129 petition (I-129W), accompanying support letters and possibly VIBE (VIBE shows how many petitions have been filed in the past 12-36 months which assists the officer in determining if the ACWIA fee is required). Here at VSC, we have not seen very many of these filings with the I-950. While there are multiple filings by the companies participating in the pilot at VSC, the petitioner does not include an approved I-950.

The remainder of the predetermination issues relate to classifications that are not filed with VSC. In the past, the L's were filed at VSC, however the qualifying relationship and doing business for L's is a regulatory requirement and most times when the individual petitions are filed, the petitioner provides the relating documents to meet the requirements. Also, most qualifying relationship issues are covered when the petitioner files an I129 LZ blanket petition and once it's approved the petitioner uses the approval notice to file individual petitions and/or amendments/extensions of future blanket petitions. It's almost like we are asking the petitioner to duplicate their efforts in filing two different forms, the I-950 and the I-129LZ.

While I do see the benefit for the I-140 petitions because of pre-determination on Ability to Pay, there does not appear to be a lot of participation on behalf of the companies for this program. I have not seen or heard anything from SCOPS within the last 3 months on any new companies participating nor have I heard about new evidence being submitted to update any old evidence. Evidence that is a year or more old would not be sufficient to assist an officer in adjudicating newly filed petitions.

In addition, there are 2 boxes which can be selected wherein the petitioner submits documents to the Library in support of certain classifications (H1B and TN). These documents may or may not be used by the officer when adjudicating the case and the documents may or may not be relevant to the regulatory requirements of the adjudication of such petitions.

Company Information Uploaded H1B

Company Information Uploaded TN



While the evidence that is uploaded is there to assist an ISO in adjudicating the above 2 form types, very seldom, if ever, does VSC get petitions wherein the company filed the Form I-950 approval notice.

I feel that the amount of time and work it takes to make a predetermination, especially for the company information upload, that it does not make sense to continue approving these documents for use by the ISO when working the H1 and the TN classifications.

Further, if SCOPS is able to attract additional companies and found a way to have these companies automatically submit new, valid documents each year without having to solicit for such information, I think this program would be of great benefit to the filing of I-140's.

# Known Employer Officer Survey

1. Overall has the Known Employer Pilot improved the ease of the adjudication when a pre-determination was included?
  - Yes, adjudication was easier than in “regular” cases.
  - No, adjudication was about the same as in “regular” cases.
  - No, adjudication was more complicated than in “regular” cases.
2. How much time was saved, on average, per adjudication which included a pre-determination?
  - Adjudication took longer
  - About the same
  - 1-5 minutes
  - 6-10 minutes
  - 11-15 minutes
  - More than 15 minutes
3. Did you feel comfortable adjudicating petitions with predeterminations (adjudicating without needing to review the evidence)?
  - Yes / No
4. Did you ever ask a Supervisor or ISO3 to have a preadjudication reviewed or readjudicated?
  - Yes / No

If yes, can you please provide an outline of the circumstances and the results?

[Click here to enter text.](#)

5. In adjudicating a KE petition, did you ever spot material changes to evidence uploaded to the KEDL that raised concerns about the validity of the pre-determination?
  - Yes / No

If so, did you issue an RFE based upon the material changes that you spotted in the petition?

Yes / No

Were these issues elevated up to the Known Employer Working group and/or SCOPS for visibility?

Yes / No

What results were achieved and were you satisfied that the issue had been addressed properly?

[Click here to enter text.](#)

# Known Employer Officer Survey

6. Under what circumstances, would you feel the need to review the predetermination evidence in the KEDL?

- In every or nearly every case.
- If I had questions or found material changes or discrepancies in the file.
- Under no circumstances.

7. Are there additional classifications that you believe could benefit from Known Employer?

[Click here to enter text.](#)

8. Are there additional evidentiary requirements that you believe could be considered to be used as a pre-determination?

[Click here to enter text.](#)

9. On average how much time does it take you to review the following evidentiary requirements?

## E-12 petitions

- Employer employs three or more full-time researchers.  
[Click here to enter text.](#)
- Employer has achieved documented accomplishments in an academic field.  
[Click here to enter text.](#)
- “Ability to pay.”  
[Click here to enter text.](#)

## E-13 petitions:

- Qualifying relationship exists between the entities.  
[Click here to enter text.](#)
- Employer or its parents, affiliates, or subsidiaries conduct business in two or more countries, one of which is the United States.  
[Click here to enter text.](#)
- Prospective U.S. employer has been doing business for the requisite period.  
[Click here to enter text.](#)
- Entities satisfy the “doing business” requirement.  
[Click here to enter text.](#)
- “Ability to pay.”  
[Click here to enter text.](#)

# Known Employer Officer Survey

## L-1 petitions

- Qualifying relationship exists between the entities.  
Click here to enter text.
- The entities satisfy the “doing business” requirement.  
Click here to enter text.

## H-1B

- Cap exemption eligibility.  
Click here to enter text.
- ACWIA fee exemption eligibility.  
Click here to enter text.

10. What changes would you like to see in a permanent Known Employer program?

Click here to enter text.

11. Do you believe that this is viable as a permanent program?

Yes / No

If no, or you believe the program would not be viable without further changes, please explain.

There appears to be a lack of participation on behalf of employers to make this a sustainable program. If there was a way to attract more employers to participate, maybe the program would work on a more permanent basis.

12. What process would you create to expeditiously clear the I-950/pre-determination?

I would recommend that the Center’s have the capability to print the approvals of these pre-determinations rather than SCOPS and when additional evidence is submitted in response to an RFE it would be great to automatically notify the Center’s that evidence has been received so a more timely review could be done and a final determination made.

13. Would you be comfortable with predeterminations that are only cleared at one service center, with the responsibility alternating between centers over set intervals?

Yes / No

14. Would you be comfortable with predeterminations that are cleared by IS03 or experienced IS02 officers, without additional review from either other Service Centers or the Known Employer working group?

Yes / No

15. I am which of the following:

- ISO 1
- ISO 2

# Known Employer Officer Survey

- ISO 3
- Supervisor
- USCIS Management

16. Do you have any additional comments or suggestions that you would like to make about the pilot, its capabilities, or anything else related to the Known Employer Program?

In response to question number 14 above, while I indicated yes, I also think that if the Center performing the review would like assistance or a review by another Center on complex cases, this should be made an option as well.

PLEASE NOTE THAT I DID NOT ADJUDICATE THESE CASES, RATHER I PERFORMED THE REVIEW OF THE EVIDENCE IN THE KEDL AND ASSISTED WITH THE FINAL DETERMINATIONS. THEREFORE, QUESTIONS 1-9 HAVE NOT BEEN ANSWERED.

# Known Employer Officer Survey

1. Overall has the Known Employer Pilot improved the ease of the adjudication when a pre-determination was included?
  - Yes, adjudication was easier than in “regular” cases.
  - No, adjudication was about the same as in “regular” cases.
  - No, adjudication was more complicated than in “regular” cases.
2. How much time was saved, on average, per adjudication which included a pre-determination?
  - Adjudication took longer
  - About the same
  - 1-5 minutes
  - 6-10 minutes
  - 11-15 minutes
  - More than 15 minutes
3. Did you feel comfortable adjudicating petitions with predeterminations (adjudicating without needing to review the evidence)?
  - Yes /  No
4. Did you ever ask a Supervisor or ISO3 to have a preadjudication reviewed or readjudicated?
  - Yes /  No

If yes, can you please provide an outline of the circumstances and the results?

[Click here to enter text.](#)

5. In adjudicating a KE petition, did you ever spot material changes to evidence uploaded to the KEDL that raised concerns about the validity of the pre-determination?
  - Yes /  No

If so, did you issue an RFE based upon the material changes that you spotted in the petition?

Yes /  No

Were these issues elevated up to the Known Employer Working group and/or SCOPS for visibility?

Yes /  No

What results were achieved and were you satisfied that the issue had been addressed properly?

[Click here to enter text.](#)

# Known Employer Officer Survey

6. Under what circumstances, would you feel the need to review the predetermination evidence in the KEDL?

- In every or nearly every case.
- If I had questions or found material changes or discrepancies in the file.
- Under no circumstances.

7. Are there additional classifications that you believe could benefit from Known Employer?

[Click here to enter text.](#)

8. Are there additional evidentiary requirements that you believe could be considered to be used as a pre-determination?

[Click here to enter text.](#)

9. On average how much time does it take you to review the following evidentiary requirements?

## E-12 petitions

- Employer employs three or more full-time researchers.  
[Click here to enter text.](#)
- Employer has achieved documented accomplishments in an academic field.  
[Click here to enter text.](#)
- “Ability to pay.”  
[Click here to enter text.](#)

## E-13 petitions:

- Qualifying relationship exists between the entities.  
[Click here to enter text.](#)
- Employer or its parents, affiliates, or subsidiaries conduct business in two or more countries, one of which is the United States.  
[Click here to enter text.](#)
- Prospective U.S. employer has been doing business for the requisite period.  
[Click here to enter text.](#)
- Entities satisfy the “doing business” requirement.  
[Click here to enter text.](#)
- “Ability to pay.”  
[Click here to enter text.](#)

# Known Employer Officer Survey

## L-1 petitions

- Qualifying relationship exists between the entities.  
20-60 minutes
- The entities satisfy the “doing business” requirement.  
5-10 minutes

## H-1B

- Cap exemption eligibility.  
N/A: Most exempt employers are adjudicated by California. To determine if the petition is cap exempt based on the beneficiary’s history takes about 3-10 minutes.
- ACWIA fee exemption eligibility.  
N/A: Most fee exempt employers are adjudicated by California. To determine if the petition is fee-exempt based on the beneficiary’s history takes about 3-10 minutes.

10. What changes would you like to see in a permanent Known Employer program?

Add the following documents: Copies of their 10-K, most recent Tax Filings, Human Resource documents such as their Employee Manual, Benefits Packages, Performance Appraisal programs, Company Brochures, Website pages, etc.

11. Do you believe that this is viable as a permanent program?

Yes / No

If no, or you believe the program would not be viable without further changes, please explain.  
Click here to enter text.

12. What process would you create to expeditiously clear the I-950/pre-determination?

Click here to enter text.

13. Would you be comfortable with predeterminations that are only cleared at one service center, with the responsibility alternating between centers over set intervals?

Yes / No

14. Would you be comfortable with predeterminations that are cleared by IS03 or experienced IS02 officers, without additional review from either other Service Centers or the Known Employer working group?

Yes / No

15. I am which of the following:

- ISO 1
- ISO 2
- ISO 3



# Known Employer Officer Survey

- Supervisor
- USCIS Management

16. Do you have any additional comments or suggestions that you would like to make about the pilot, its capabilities, or anything else related to the Known Employer Program?

It's clumsy to access and find the documents you want to review. Each employer should have an index of their material.

# Known Employer Officer Survey

1. Overall has the Known Employer Pilot improved the ease of the adjudication when a pre-determination was included?
  - Yes, adjudication was easier than in “regular” cases.
  - No, adjudication was about the same as in “regular” cases.
  - No, adjudication was more complicated than in “regular” cases.
2. How much time was saved, on average, per adjudication which included a pre-determination?
  - Adjudication took longer
  - About the same
  - 1-5 minutes
  - 6-10 minutes
  - 11-15 minutes
  - More than 15 minutes
3. Did you feel comfortable adjudicating petitions with predeterminations (adjudicating without needing to review the evidence)?
  - Yes /  No
4. Did you ever ask a Supervisor or ISO3 to have a preadjudication reviewed or readjudicated?
  - Yes /  No

If yes, can you please provide an outline of the circumstances and the results?

[Click here to enter text.](#)

5. In adjudicating a KE petition, did you ever spot material changes to evidence uploaded to the KEDL that raised concerns about the validity of the pre-determination?
  - Yes /  No

If so, did you issue an RFE based upon the material changes that you spotted in the petition?

Yes /  No

Were these issues elevated up to the Known Employer Working group and/or SCOPS for visibility?

Yes /  No

What results were achieved and were you satisfied that the issue had been addressed properly?

[Click here to enter text.](#)

# Known Employer Officer Survey

6. Under what circumstances, would you feel the need to review the predetermination evidence in the KEDL?

- In every or nearly every case.
- If I had questions or found material changes or discrepancies in the file.
- Under no circumstances.

7. Are there additional classifications that you believe could benefit from Known Employer?

8. Are there additional evidentiary requirements that you believe could be considered to be used as a pre-determination?

no

9. On average how much time does it take you to review the following evidentiary requirements?

E-12 petitions

- Employer employs three or more full-time researchers.  
Did not adjudicate
- Employer has achieved documented accomplishments in an academic field.  
Did not adjudicate
- “Ability to pay.”  
Did not adjudicate

E-13 petitions:

- Qualifying relationship exists between the entities.  
Did not adjudicate
- Employer or its parents, affiliates, or subsidiaries conduct business in two or more countries, one of which is the United States.  
Did not adjudicate
- Prospective U.S. employer has been doing business for the requisite period.  
Did not adjudicate
- Entities satisfy the “doing business” requirement.  
Did not adjudicate

# Known Employer Officer Survey

- “Ability to pay.”  
Did not adjudicate

## L-1 petitions

- Qualifying relationship exists between the entities.  
2-3 min
- The entities satisfy the “doing business” requirement.  
2-3 min

## H-1B

- Cap exemption eligibility.  
2-3 min
- ACWIA fee exemption eligibility.  
2-3 min

10. What changes would you like to see in a permanent Known Employer program?

[Click here to enter text.](#)

11. Do you believe that this is viable as a permanent program?

Yes / No

If no, or you believe the program would not be viable without further changes, please explain.

[Click here to enter text.](#)

12. What process would you create to expeditiously clear the I-950/pre-determination?

Honestly, I did not adjudicate enough of these filings to give an educated evaluation

13. Would you be comfortable with predeterminations that are only cleared at one service center, with the responsibility alternating between centers over set intervals?

Yes / No

14. Would you be comfortable with predeterminations that are cleared by IS03 or experienced IS02 officers, without additional review from either other Service Centers or the Known Employer working group?

Yes / No

15. I am which of the following:

ISO 1

ISO 2

ISO 3

# Known Employer Officer Survey

- Supervisor
- USCIS Management

16. Do you have any additional comments or suggestions that you would like to make about the pilot, its capabilities, or anything else related to the Known Employer Program?

Like I stated above, I have not adjudicated many of these filings so it is hard for me to give really informed feedback.

# Known Employer Officer Survey

1. Overall has the Known Employer Pilot improved the ease of the adjudication when a pre-determination was included?
  - Yes, adjudication was easier than in “regular” cases.
  - No, adjudication was about the same as in “regular” cases.
  - No, adjudication was more complicated than in “regular” cases.
2. How much time was saved, on average, per adjudication which included a pre-determination?
  - Adjudication took longer
  - About the same
  - 1-5 minutes
  - 6-10 minutes
  - 11-15 minutes
  - More than 15 minutes
3. Did you feel comfortable adjudicating petitions with predeterminations (adjudicating without needing to review the evidence)?
  - Yes / No
4. Did you ever ask a Supervisor or ISO3 to have a preadjudication reviewed or readjudicated?
  - Yes / No

If yes, can you please provide an outline of the circumstances and the results?

[Click here to enter text.](#)

5. In adjudicating a KE petition, did you ever spot material changes to evidence uploaded to the KEDL that raised concerns about the validity of the pre-determination?
  - Yes / No

If so, did you issue an RFE based upon the material changes that you spotted in the petition?

Yes / No

Were these issues elevated up to the Known Employer Working group and/or SCOPS for visibility?

Yes / No

What results were achieved and were you satisfied that the issue had been addressed properly?

[Click here to enter text.](#)

# Known Employer Officer Survey

6. Under what circumstances, would you feel the need to review the predetermination evidence in the KEDL?

- In every or nearly every case.
- If I had questions or found material changes or discrepancies in the file.
- Under no circumstances.

7. Are there additional classifications that you believe could benefit from Known Employer?

[Click here to enter text.](#)

8. Are there additional evidentiary requirements that you believe could be considered to be used as a pre-determination?

[Click here to enter text.](#)

9. On average how much time does it take you to review the following evidentiary requirements?

## E-12 petitions

- Employer employs three or more full-time researchers.  
[Click here to enter text.](#)
- Employer has achieved documented accomplishments in an academic field.  
[Click here to enter text.](#)
- “Ability to pay.”  
[Click here to enter text.](#)

## E-13 petitions:

- Qualifying relationship exists between the entities.  
[Click here to enter text.](#)
- Employer or its parents, affiliates, or subsidiaries conduct business in two or more countries, one of which is the United States.  
[Click here to enter text.](#)
- Prospective U.S. employer has been doing business for the requisite period.  
[Click here to enter text.](#)
- Entities satisfy the “doing business” requirement.  
[Click here to enter text.](#)
- “Ability to pay.”  
[Click here to enter text.](#)

# Known Employer Officer Survey

## L-1 petitions

- Qualifying relationship exists between the entities.  
Anywhere from 15 mins to 45 mins depending on the number of entities and the complexity of ownership.
- The entities satisfy the “doing business” requirement.  
15 mins

## H-1B

- Cap exemption eligibility.  
5 mins
- ACWIA fee exemption eligibility.  
5 mins

10. What changes would you like to see in a permanent Known Employer program?

Nothing as of now

11. Do you believe that this is viable as a permanent program?

Yes / No

If no, or you believe the program would not be viable without further changes, please explain.

[Click here to enter text.](#)

12. What process would you create to expeditiously clear the I-950/pre-determination?

[Click here to enter text.](#)

13. Would you be comfortable with predeterminations that are only cleared at one service center, with the responsibility alternating between centers over set intervals?

Yes / No

14. Would you be comfortable with predeterminations that are cleared by IS03 or experienced IS02 officers, without additional review from either other Service Centers or the Known Employer working group?

Yes / No

15. I am which of the following:

- ISO 1
- ISO 2
- ISO 3
- Supervisor
- USCIS Management



# Known Employer Officer Survey

16. Do you have any additional comments or suggestions that you would like to make about the pilot, its capabilities, or anything else related to the Known Employer Program?

I filled out the questions the best I could since I did not actually adjudicate the forms post pre-determination. I was part of the pre adjudication process.

The Known Employer program was created to allow employers to have USCIS review and predetermine certain eligibility requirements and is limited to certain immigrant and nonimmigrant classifications. Such as: H-1B Cap Exemption, H-1B ACWIA Fee Exemption, Company Information Uploaded for H-1B's and Company Information Uploaded for TN's (these are the ones worked at VSC). There are other predeterminations requested, however, they are used for I-140's (E13, E12) and I-129's (L-1). As VSC no longer does the L's I will not discuss them here.

A predetermination can be requested on the H-1B Cap Exemption under INA 214(g)(5) and/or and H-1B ACWIA Fee Exemption cases under INA 214(c)(9)(A) and 8 CFR 214.2(h)(19)(iii). Basically the employer is requesting USCIS to make a predetermination that they are exempt from the H-1B cap and from the H-1 ACWIA Fee. No other predetermination is made for H-1's. Once the SC KE Teams approve the requested predeterminations, the employer will file I-129's for individual employees without having to provide the documentation already uploaded into the KEDL. ISOs are asked to give deference to the approved determinations. In this case, it's only to demonstrate whether or not the employer is Cap Exempt or ACWIA Fee Exempt. All other regulatory requirements are needed to approve these cases.

The employer can also upload business documents that may be used in support of H-1B's and TN's that relate to the employer's business and operations. These documents do not relate to specific employer requirements, but are often included in individual filings of such petitions. These are not considered predeterminations. Rather they simply verify that documents have been uploaded. So when the employer files the I-129 petition along with the green copy of the approved Form I-950, there will be a block checked indicating Company Information Uploaded (H-1B or TN). ISOs should have "read only" access to the Known Employer Library to be able to access these documents and review them to assist in adjudication. The ISO is still required to adjudicate the case based upon the regulatory requirements.

At this time at VSC we have only 5 officers who work these cases, when filed with an approved I-950 (green paper). These officers review the petition and adjudicate accordingly. If the ISO determines the predetermination was in error, there is a change in circumstances or there is new material that adversely affects the predetermination, the ISO will then send a NOIR on the Form I-950 to the employer. At this time, VSC has not had to issue any NOIRs. If this happens, the ISO3 in Business should be made aware of this and all pending petitions filed under the KE program will be held in abeyance.

If the ISO agrees the predetermination is correct and all regulatory requirements have been met, case is approved and updated with the HAC code SKE – Filed under Known Employer. This code must be used so HQ can track the number of cases filed under the pilot. Also, VSC asks that these ISOs send the receipt number and petitioner's name to the ISO3 in Business so they can be logged on an excel spreadsheet.

At this time, VSC currently has 15 receipt numbers on the spreadsheet and of those 15, 9 submitted the approved I-950 with the filing. While VSC sees a lot of filings from the approved companies, most times, the employer does not include the approved I-950 with the filing. In those cases, any ISO may work the case and there is no need to document the filing.

# Known Employer Officer Survey

1. Overall has the Known Employer Pilot improved the ease of the adjudication when a pre-determination was included?
  - Yes, adjudication was easier than in “regular” cases.
  - No, adjudication was about the same as in “regular” cases.
  - No, adjudication was more complicated than in “regular” cases.
2. How much time was saved, on average, per adjudication which included a pre-determination?
  - Adjudication took longer
  - About the same
  - 1-5 minutes
  - 6-10 minutes
  - 11-15 minutes
  - More than 15 minutes
3. Did you feel comfortable adjudicating petitions with predeterminations (adjudicating without needing to review the evidence)?
  - Yes /  No
4. Did you ever ask a Supervisor or ISO3 to have a preadjudication reviewed or readjudicated?
  - Yes /  No

If yes, can you please provide an outline of the circumstances and the results?

[Click here to enter text.](#)

5. In adjudicating a KE petition, did you ever spot material changes to evidence uploaded to the KEDL that raised concerns about the validity of the pre-determination?
  - Yes /  No

If so, did you issue an RFE based upon the material changes that you spotted in the petition?

Yes /  No

Were these issues elevated up to the Known Employer Working group and/or SCOPS for visibility?

Yes /  No

What results were achieved and were you satisfied that the issue had been addressed properly?

Not applicable to my situation.

# Known Employer Officer Survey

6. Under what circumstances, would you feel the need to review the predetermination evidence in the KEDL?

- In every or nearly every case.
- If I had questions or found material changes or discrepancies in the file.
- Under no circumstances.

7. Are there additional classifications that you believe could benefit from Known Employer?  
Not at this time.

8. Are there additional evidentiary requirements that you believe could be considered to be used as a pre-determination?

I don't have enough experience with these types of petitions to make that determination.

9. On average how much time does it take you to review the following evidentiary requirements?

## E-12 petitions

- Employer employs three or more full-time researchers.  
N/A
- Employer has achieved documented accomplishments in an academic field.  
N/A
- "Ability to pay."  
N/A

## E-13 petitions:

- Qualifying relationship exists between the entities.  
N/A
- Employer or its parents, affiliates, or subsidiaries conduct business in two or more countries, one of which is the United States.  
N/A
- Prospective U.S. employer has been doing business for the requisite period.  
N/A
- Entities satisfy the "doing business" requirement.  
N/A
- "Ability to pay."  
N/A

# Known Employer Officer Survey

## L-1 petitions

- Qualifying relationship exists between the entities.  
N/A
- The entities satisfy the “doing business” requirement.  
N/A

## H-1B

- Cap exemption eligibility.  
5 minutes
- ACWIA fee exemption eligibility.  
5 minutes

10. What changes would you like to see in a permanent Known Employer program?

I don't have enough experience with this program to make that determination.

11. Do you believe that this is viable as a permanent program?

Yes /  No

If no, or you believe the program would not be viable without further changes, please explain.

I have only adjudicated one petition attached to this program and I believe it was Microsoft. This was close to a year ago and I have not seen one since.

12. What process would you create to expeditiously clear the I-950/pre-determination?

I don't have enough experience with this program to make a comment.

13. Would you be comfortable with predeterminations that are only cleared at one service center, with the responsibility alternating between centers over set intervals?

Yes /  No

14. Would you be comfortable with predeterminations that are cleared by IS03 or experienced IS02 officers, without additional review from either other Service Centers or the Known Employer working group?

Yes /  No

15. I am which of the following:

- ISO 1
- ISO 2
- ISO 3
- Supervisor
- USCIS Management

## Known Employer Officer Survey

16. Do you have any additional comments or suggestions that you would like to make about the pilot, its capabilities, or anything else related to the Known Employer Program?

I am sorry I wasn't able to present more comments, etc., about this program. As I stated earlier, I have only encountered one petition with the Known Employer designation in the past year.

## **Known Employer Feedback Questions – Citibank 2/13/17**

### Using the KEDL and Form I-950

1. What is your overall impression of the KEDL? Is it easy to use?

- Their experience getting in was that it wasn't always accessible, sometimes the link was down. Responsiveness was slow, clicking on documents to open them up is slower than they would like.
- Thought it was quite user friendly overall.
- They would like a few more minutes with the KEDL system at a later date.
- Since the start of the pilot they haven't had to get in very often once the documents were uploaded.
- Additionally, they haven't had to change managers, which meant no one new had to be added to the system.

2. Would you like to see any changes made to the following functions in the KEDL?

- Creating and Managing an Employer Profile
  - Managing Employer User Accounts
  - Uploading and tagging documents in the Document Dashboard
  - Reviewing, downloading and printing notices from the Notice Dashboard
- 
- They would like a list of cases approved on KEDL.

3. Have you received the expected email notifications from the KEDL when a notice has been uploaded to the Notice Dashboard, or when an employee has requested access to your company's profile?

- They have received the expected email notifications.

4. Have the email notifications you have received been helpful? Are there any other email notifications that you would like to see implemented?

- Liked knowing that when they submitted something an email would confirm that it was uploaded.
- As soon as their I905 was approved, they got an email.
- They liked that it showed that the process was moving, not stagnant.

5. Have you had any problems using Form I-950? How could the Form I-950, and the process for its submission, be improved?

6. If you have not already filed Form I-950, why not? When do you intend to do so?

### Predeterminations

1. Which of the existing predeterminations have you requested, or are you most likely to request?
2. Are there other predeterminations you would like to see added to the Known Employer program?
3. Are there other form types you would like to see added to the Known Employer program?

#### Filing Petitions Under Known Employer

1. How many petitions have you filed under the Known Employer Pilot?
  - Have filed 22 petitions.
  - 18 have been approved, 4 not yet adjudicated but are within processing time.
2. What factors have prevented you from filing additional petitions under the pilot?
2. Have you noticed any benefits in filing petitions under the pilot, such as reduced preparation time? Any drawbacks?
  - They would like to know if it reduces the time for approvals.
  - They indicated that they hadn't had 1 RFE on KE petitions.

#### The Future of the Known Employer Program

1. Would you like to see Known Employer implemented as a permanent program?

Yes.
2. If Known Employer became permanent with only the current predeterminations available, how likely would you be to regularly use it to file petitions? Can you estimate the number of petitions you would file on an annual basis?

Didn't give a specific number, indicated they were using it for their CGMI cases (Citigroup Global Markets Inc?)
3. Are there additional classifications/predeterminations that you would like to see added to a permanent Known Employer program?
  - Occupations in specific positions pre-approved
  - Educations in specific fields pre-approved for specific jobs
  - Ability to pay, consolidated financial statements
  - Classifications: L1, E3, I-140, H1B
4. Are there any other changes or additions you would like to see implemented in a possible permanent Known Employer program?
  - If expanding to other legal vehicles, they would like to see them separated into different areas.



5. Would the addition of a filing fee for Form I-950 affect your use of a possible permanent Known Employer program?

### Summary

1. Do you have any other issues with the Known Employer program or thoughts that you would like to discuss?
2. If implemented as a permanent program, the I-950 will require a fee. Would you still be interested in using the Known Employer program with the addition of a fee?
3. As currently implemented, do you intend to use the Known Employer Program?

They thought that the concept of 'enhancing the government's ability to respond to fast paced industry, letting ourselves be influenced by looking to the future and making it feasible for them to interact with us was very much welcome.'

## **Known Employer Feedback Questions – Ernst & Young**

### Using the KEDL and Form I-950

1. What is your overall impression of the KEDL? Is it easy to use?

They found the upload and tagging process challenging, and questioned whether adjudicator's really needed all of the information in the tags. They felt that some of the tags were repetitive.

Also mentioned that they had been unable to add users to their profile, or didn't understand the process. We forwarded another copy of the KEDL Employer User Manual, which had previously been sent.

2. Would you like to see any changes made to the following functions in the KEDL?

- Creating and Managing an Employer Profile
- Managing Employer User Accounts
- Uploading and tagging documents in the Document Dashboard
- Reviewing, downloading and printing notices from the Notice Dashboard

3. Have you received the expected email notifications from the KEDL when a notice has been uploaded to the Notice Dashboard, or when an employee has requested access to your company's profile?

4. Have the email notifications you have received been helpful? Are there any other email notifications that you would like to see implemented?

5. Have you had any problems using Form I-950? How could the Form I-950, and the process for its submission, be improved?

6. If you have not already filed Form I-950, why not? When do you intend to do so?

### Predeterminations

1. Which of the existing predeterminations have you requested, or are you most likely to request?

2. Are there other predeterminations you would like to see added to the Known Employer program?

Indicated that they would be interested in seeing a predetermination for L-1B specialized knowledge positions. Also indicated that they would like to see L-1 blanket petitions added to the program, to take advantage of information sharing with DOS. Basically, instead of presenting a copy of the petition at a consulate, they would just present the I-129S and the KE approval notice.

3. Are there other form types you would like to see added to the Known Employer program?

### Filing Petitions Under Known Employer

1. How many petitions have you filed under the Known Employer Pilot?

Indicated that they filed a handful, maybe six cases, all L-1s.

2. What factors have prevented you from filing additional petitions under the pilot?

They indicated that for a company the size of the E&Y, the KE program is less helpful as the types of predeterminations included at this point (ATP, qualifying relationships) are really not an issue. However, they later stated that they will receive ATP RFEs on a cyclical basis, and would like to see some sort of validation process for companies like them. I explained that this is basically what the KE program is intended to accomplish with the predeterminations, in that it should lead to fewer RFEs and greater adjudication consistency.

2. Have you noticed any benefits in filing petitions under the pilot, such as reduced preparation time? Any drawbacks?

They mentioned that with the small number of cases they had filed, they didn't see any difference in USCIS processing between KE cases and those filed under normal procedures.

### The Future of the Known Employer Program

1. Would you like to see Known Employer implemented as a permanent program?

Yes, but would need to be expanded to show a demonstrated benefit.

2. If Known Employer became permanent with only the current predeterminations available, how likely would you be to regularly use it to file petitions? Can you estimate the number of petitions you would file on an annual basis?

3. Are there additional classifications/predeterminations that you would like to see added to a permanent Known Employer program?

4. Are there any other changes or additions you would like to see implemented in a possible permanent Known Employer program?

5. Would the addition of a filing fee for Form I-950 affect your use of a possible permanent Known Employer program?

The additional fee would have to be tied to a demonstrated benefit.

### Summary

1. Do you have any other issues with the Known Employer program or thoughts that you would like to discuss?

2. If implemented as a permanent program, the I-950 will require a fee. Would you still be interested in using the Known Employer program with the addition of a fee?
  
3. As currently implemented, do you intend to use the Known Employer Program?

## Known Employer Feedback Questions

### Using the KEDL and Form I-950

1. What is your overall impression of the KEDL? Is it easy to use?

Instructions within the KEDL worked well, adjudication went very smoothly, overall it's a great improvement over the paper process.

2. Would you like to see any changes made to the following functions in the KEDL?

- Creating and Managing an Employer Profile
- Managing Employer User Accounts
- Uploading and tagging documents in the Document Dashboard
- Reviewing, downloading and printing notices from the Notice Dashboard

The organization of the documents and the tagging process were counterintuitive at first.

3. Have you received the expected email notifications from the KEDL when a notice has been uploaded to the Notice Dashboard, or when an employee has requested access to your company's profile?

Yes, the email notifications have been received and worked well.

4. Have the email notifications you have received been helpful? Are there any other email notifications that you would like to see implemented?

None reported.

5. Have you had any problems using Form I-950? How could the Form I-950, and the process for its submission, be improved?

None reported.

6. If you have not already filed Form I-950, why not? When do you intend to do so?

N/A

### Predeterminations

1. Which of the existing predeterminations have you requested, or are you most likely to request?

2. Are there other predeterminations you would like to see added to the Known Employer program?

They would like to be able to have certain specialized positions involving proprietary knowledge be predetermined for the L-1B classification as involving specialized knowledge. Acknowledged that this would only work for certain positions, not those with more generic titles and descriptions.

3. Are there other form types you would like to see added to the Known Employer program?

They were very interested in seeing the H-3 classification added to KE, since their company brings many overseas employees to the U.S. for training that is not available elsewhere.

Also mentioned predeterminations involving certain positions for the TN classification, basically that they qualify under NAFTA. We mentioned that this might not be possible since that is an adjudication done by CBP at the border.Filing Petitions Under Known Employer

1. How many petitions have you filed under the Known Employer Pilot?

About 100, essentially every H-1B and I-140, and a few L-1s

2. What factors have prevented you from filing additional petitions under the pilot?

2. Have you noticed any benefits in filing petitions under the pilot, such as reduced preparation time? Any drawbacks?

Mentioned that have received 5 RFEs on petitions filed under Known Employer, one specifically regarding ATP that should have been covered by the predetermination. However, RFEs have dropped in general.

The biggest drawback mentioned involved L-1 and TN applicants turned away at the border (specifically mentioned Detroit (tunnel) and Toronto PFI.) We responded that coordination with CBP remained one of the biggest challenges faced by the KE program.

#### The Future of the Known Employer Program

1. Would you like to see Known Employer implemented as a permanent program?

Yes.

2. If Known Employer became permanent with only the current predeterminations available, how likely would you be to regularly use it to file petitions? Can you estimate the number of petitions you would file on an annual basis?

3. Are there additional classifications/predeterminations that you would like to see added to a permanent Known Employer program?

See above.

4. Are there any other changes or additions you would like to see implemented in a possible permanent Known Employer program?

See above.

5. Would the addition of a filing fee for Form I-950 affect your use of a possible permanent Known Employer program?

No.

## Summary

1. Do you have any other issues with the Known Employer program or thoughts that you would like to discuss?

Known Employer is one of the best things that USCIS has done.

Mentioned confusion in instructions regarding amended I-950, have now been forced to include both approval notices since second I-950 only approved for amended predeterminations that were requested. We responded that this was not the intent, that all predeterminations should have been included on the amended I-950, and that we would look at ways to solve this problem.

2. If implemented as a permanent program, the I-950 will require a fee. Would you still be interested in using the Known Employer program with the addition of a fee?

No issue with fee.

3. As currently implemented, do you intend to use the Known Employer Program?

## Known Employer Feedback Questions – Schaeffler

### Using the KEDL and Form I-950

1. What is your overall impression of the KEDL? Is it easy to use?

- Instructions were good.
- Very good impression over the paper process.
- No recent trouble accessing the KEDL.

2. Would you like to see any changes made to the following functions in the KEDL?

- Creating and Managing an Employer Profile
- Managing Employer User Accounts
- Uploading and tagging documents in the Document Dashboard
- Reviewing, downloading and printing notices from the Notice Dashboard
- Would like organization of where they submit documents.
- Indicated that they would like the system somewhat more intuitive
- (Counterpoint to above) Indicated they might not be used to such a versatile system.

3. Have you received the expected email notifications from the KEDL when a notice has been uploaded to the Notice Dashboard, or when an employee has requested access to your company's profile?

- Have been getting notices.
- Got responses for everything they did.

4. Have the email notifications you have received been helpful? Are there any other email notifications that you would like to see implemented?

- Thought it was helpful

5. Have you had any problems using Form I-950? How could the Form I-950, and the process for its submission, be improved?

- Thought their I-950 went through pretty easily.
- Had some frustrations with the instructions for the I-950. Thought instructions could be clearer about filing amendments.

6. If you have not already filed Form I-950, why not? When do you intend to do so?

### Predeterminations

1. Which of the existing predeterminations have you requested, or are you most likely to request?



- They would like to have specialized, almost standardized positions within their company pre-approved. (L1B) Like for an engineer/mechanic who works with specialized machinery.
- Predeterminations linked to proprietary programs – positions for specialized knowledge programs.
- H3 visas – for specialized trainings, training in US that they don't have abroad.

2. Are there other predeterminations you would like to see added to the Known Employer program?

3. Are there other form types you would like to see added to the Known Employer program?

### Filing Petitions Under Known Employer

1. How many petitions have you filed under the Known Employer Pilot?

- 94 ( I-140 and a couple of L1's)

2. What factors have prevented you from filing additional petitions under the pilot?

2. Have you noticed any benefits in filing petitions under the pilot, such as reduced preparation time? Any drawbacks?

#### Benefits

- Streamlined their process
- Saves time and paper
- Takes out the admin process for them once they are using the KE program on forms.

#### Drawbacks

- Had issues with predeterminations being turned back at the border.
- Detroit tunnel, Toronto Airport.
- Need to get information out to CBP.

### The Future of the Known Employer Program

1. Would you like to see Known Employer implemented as a permanent program?

Yes.

2. If Known Employer became permanent with only the current predeterminations available, how likely would you be to regularly use it to file petitions? Can you estimate the number of petitions you would file on an annual basis?

- Didn't give a specific number, indicated they were using it for their CGMI cases (Citigroup Global Markets Inc?)

3. Are there additional classifications/predeterminations that you would like to see added to a permanent Known Employer program?
  
4. Are there any other changes or additions you would like to see implemented in a possible permanent Known Employer program?
  
5. Would the addition of a filing fee for Form I-950 affect your use of a possible permanent Known Employer program?

### Summary

1. Do you have any other issues with the Known Employer program or thoughts that you would like to discuss?
  - Thought that this program is one of the best things that USCIS has done in a while. Good implementation.
  
2. If implemented as a permanent program, the I-950 will require a fee. Would you still be interested in using the Known Employer program with the addition of a fee?
  - No issue with fee, feel that it is streamlining their process.
  
3. As currently implemented, do you intend to use the Known Employer Program?
  - Would like to see it as a permanent program. Want to see it stick around.

## Known Employer Feedback Questions

### Using the KEDL and Form I-950

1. What is your overall impression of the KEDL? Is it easy to use?

- They stated at the outset that they consider it a privilege and honor to participate in this pilot.
- The concept of Known Employer is great, and the KEDL is easy to use with straight-forward directions. Also mentioned that they could tell that resources were dedicated to the KEDL's look and feel.
- Issues:
  - Not always accessible, especially recently have been encountering technical issues with the website, receiving the error message "page cannot be displayed." This hasn't affected their use of the pilot since they were already approved.
  - Slow responsiveness: when you click a document, it's slow to open.
  - They would like a follow-on discussion at a later date when they're able to access the KEDL again.

2. Would you like to see any changes made to the following functions in the KEDL?

- Creating and Managing an Employer Profile
- Managing Employer User Accounts
- Uploading and tagging documents in the Document Dashboard
- Reviewing, downloading and printing notices from the Notice Dashboard

None reported.

3. Have you received the expected email notifications from the KEDL when a notice has been uploaded to the Notice Dashboard, or when an employee has requested access to your company's profile?

- Timely email notifications
- No issues receiving email notices

4. Have the email notifications you have received been helpful? Are there any other email notifications that you would like to see implemented?

- System emails have been received and it's very helpful to have the status updates to keep the process transparent.
- Requested a more customized email with instructions on how to proceed with an RFE response

5. Have you had any problems using Form I-950? How could the Form I-950, and the process for its submission, be improved?

Referred to email of August 9, 2016 which referenced issues with certain fields on the I-950.

6. If you have not already filed Form I-950, why not? When do you intend to do so?

N/A

### Predeterminations

1. Which of the existing predeterminations have you requested, or are you most likely to request?
2. Are there other predeterminations you would like to see added to the Known Employer program?
  - Requested the predetermination of certain types of very straightforward positions, compatible within a limited framework. Example was CFO of the company. We explained that this was considered and rejected for various reasons at the outset of pilot planning for various reasons, but that we would reevaluate for a permanent program.
  - Certain degrees
3. Are there other form types you would like to see added to the Known Employer program?
  - Requested the ability to add other companies to an I-950 application/approval, especially for ATP predetermination. Would file multiple I-950s if unable to have multiple entities on one form.
  - Would like to see classifications added, H-1B1, E-3, O-1

### Filing Petitions Under Known Employer

1. How many petitions have you filed under the Known Employer Pilot?
  - Have filed 22 petitions.
    - 18 approved (No RFEs)
    - 4 pending (recently filed)
  - Feedback:
2. What factors have prevented you from filing additional petitions under the pilot?

None reported.
3. Have you noticed any benefits in filing petitions under the pilot, such as reduced preparation time? Any drawbacks?
  - No drawbacks
  - They indicated that they haven't received any RFEs for petitions filed under Known Employer.
  - Interested to know if the pilot reduced adjudicating/processing time. Responded that we don't have enough data to determine this.

### The Future of the Known Employer Program

1. Would you like to see Known Employer implemented as a permanent program?

Yes.

Other legal vehicles (meaning ability to add multiple entities to an I-950)

- Ability to pay
- More classifications added

2. If Known Employer became permanent with only the current predeterminations available, how likely would you be to regularly use it to file petitions? Can you estimate the number of petitions you would file on an annual basis?

- Would definitely use it, and currently use it for all qualified CGMI cases.

3. Are there additional classifications/predeterminations that you would like to see added to a permanent Known Employer program?

- Occupations in specific positions pre-approved
- Educations in specific fields pre-approved for specific jobs
- Ability to pay, consolidated financial statements
- Classifications: L1, E3, I-140, H1B

4. Are there any other changes or additions you would like to see implemented in a possible permanent Known Employer program?

They would like the ability to add other legal vehicles (meaning additional entities) to a single I-950.

5. Would the addition of a filing fee for Form I-950 affect your use of a possible permanent Known Employer program?

- Would not impede use if it's a reasonable

### Summary

1. Do you have any other issues with the Known Employer program or thoughts that you would like to discuss?

They thought that the concept of 'enhancing the government's ability to respond to fast paced industry, letting ourselves be influenced by looking to the future and making it feasible for them to interact with us was very much welcome. In addition, mentioned that Citibank management was pleased to be invited to participate in the pilot.

2. If implemented as a permanent program, the I-950 will require a fee. Would you still be interested in using the Known Employer program with the addition of a fee?

3. As currently implemented, do you intend to use the Known Employer Program?

## **Known Employer Feedback Questions with Kiewit responses**

### RFE response

#### 1. Why didn't you respond to the RFE?

Their original interpretation of the I-950 was incorrect, and didn't grasp what the RFE was requesting. Once they understood that under the requested L-1 predetermination, they could only transfer foreign employees to a single U.S. entity, they realized that this wouldn't be practical for Kiewit. Kiewit is broken down into regions which operate under distinct entities, and all like to request their own transfers of foreign employees. In addition, Kiewit was undergoing a major restructuring at the time, and as a result will soon be filing a blanket L-1 petition. All of these factors meant that it wasn't practical for Kiewit to continue with the requested L-1 predetermination.

### Using the KEDL and Form I-950

#### 1. What is your overall impression of the KEDL? Is it easy to use?

Initially KEDL had some minor technical issues.

#### 2. Would you like to see any changes made to the following functions in the KEDL?

- Creating and Managing an Employer Profile
- Managing Employer User Accounts
- Uploading and tagging documents in the Document Dashboard
- Reviewing, downloading and printing notices from the Notice Dashboard

#### 3. Have you received the expected email notifications from the KEDL when a notice has been uploaded to the Notice Dashboard, or when an employee has requested access to your company's profile?

Yes.

#### 4. Have the email notifications you have received been helpful? Are there any other email notifications that you would like to see implemented?

The email notifications were helpful.

#### 5. Have you had any problems using Form I-950? How could the Form I-950, and the process for its submission, be improved?

#### 6. If you have not already filed Form I-950, why not? When do you intend to do so?

They are considering filing another I-950 to apply for the E13 and ATP predeterminations.

### Predeterminations

#### 1. Which of the existing predeterminations have you requested, or are you most likely to request?

Requested L-1 predetermination which was denied due to abandonment, may request E13 and ATP predeterminations in the future.

2. Are there other predeterminations you would like to see added to the Known Employer program?
3. Are there other form types you would like to see added to the Known Employer program?

#### Filing Petitions Under Known Employer

1. How many petitions have you filed under the Known Employer Pilot?

None, no predeterminations have been approved.

2. What factors have prevented you from filing additional petitions under the pilot?

Mainly the major corporate restructuring.

3. Have you noticed any benefits in filing petitions under the pilot, such as reduced preparation time? Any drawbacks?

N/A.

#### The Future of the Known Employer Program

1. Would you like to see Known Employer implemented as a permanent program?

They believe that there would be a lot of benefit to a permanent program, and that it would be a great alternative to the existing paper system. They also indicated that participating in the pilot has been a great way to engage with USCIS as they do with other government agencies.

2. If Known Employer became permanent with only the current predeterminations available, how likely would you be to regularly use it to file petitions? Can you estimate the number of petitions you would file on an annual basis?

3. Are there additional classifications/predeterminations that you would like to see added to a permanent Known Employer program?

They do a lot of transfers from Canada and use the NAFTA (L-1 and TN) frequently. Seemed to indicate that they would like a TN predetermination added as to the qualification of specific jobs under NAFTA.

4. Are there any other changes or additions you would like to see implemented in a possible permanent Known Employer program?

5. Would the addition of a filing fee for Form I-950 affect your use of a possible permanent Known Employer program?

## Summary

1. Do you have any other issues with the Known Employer program or thoughts that you would like to discuss?
2. If implemented as a permanent program, the I-950 will require a fee. Would you still be interested in using the Known Employer program with the addition of a fee?
3. As currently implemented, do you intend to use the Known Employer Program?