

# Web Alert

Date AP Style

## **USCIS Known Employer Pilot Program Will Expire on December 31, 2020**

On December 31, 2020, the Known Employer Pilot Program will expire as USCIS has elected to not further extend the pilot. The pilot program has been operational since 2016, allowing participants to submit documentation under the program. USCIS thanks all who were involved in the pilot.

## Known Employer Pilot

### Pilot Goals

The U.S. Department of Homeland Security (DHS) created the Known Employer pilot to streamline the process for employers seeking to hire certain workers through nonimmigrant and immigrant visa classifications. The objective is to reduce paperwork, costs, and delays in processing these benefit requests by modifying the process by which U.S. Citizenship and Immigration Services (USCIS) reviews an employer's eligibility to sponsor individuals for classification under certain visa categories. The pilot will assess the long-term feasibility of a new adjudicative process, which is centered on a web-based document library. Participating employers will be able to request that USCIS review and predetermine whether they have satisfied certain eligibility requirements before they petition or apply on behalf of individual employees under the selected classifications. The goals of the Known Employer pilot are to:

- Reduce the amount of paperwork filed by employers and retained by USCIS;
- Promote consistency in the adjudication of [redacted] employment-based petitions and applications;
- Streamline the adjudicative process to achieve greater efficiency within USCIS; and
- Provide greater support to our partners in U.S. Customs and Border Protection (CBP) and the U.S. Department of State (DOS), leading to greater efficiency and consistency at ports of entry and consular posts.

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In collaboration with DOS, DHS has invited employers of different sizes and from various industries and locations to participate in the pilot.

### About the Pilot

Under the Known Employer pilot, employers may file an application to request that USCIS predetermine whether they meet certain eligibility requirements for selected immigrant and nonimmigrant visa classifications. These requirements generally pertain to an employer's organizational structure, operations, and financial health. When making this request, employers will create a profile in the Web-based Known Employer Document Library (KEDL), and upload documents relating to the requirements. USCIS officers will then be able to review the documents and predetermine whether the employer has met the eligibility requirements for each classification requested.

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[redacted]  
[redacted]  
[redacted] USCIS officers will generally defer to approved predeterminations [redacted]  
[redacted]  
at the time of the Known Employer application. This means that a USCIS officer generally will not have to [redacted] review [redacted]  
[redacted] and will only have to decide on the remaining requirements of an application or petition, such as the nature of the job offered and the employee's qualifications. A USCIS officer adjudicating a petition or application filed under the Known Employer pilot will defer to an approved predetermination unless:

- The officer determines that there was a material error in the predetermination approval;

- A substantial change in circumstances has taken place that would require revisiting the predetermination; or
- There is new material information that adversely affects the validity of USCIS' predetermination.

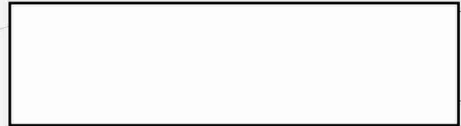
#### Visa Classifications Included in Known Employer

The Known Employer pilot will include petitions and applications for the following nonimmigrant and immigrant visa classifications:

- TN, Canadian and Mexican Citizens Engaged in Business Activities at a Professional Level Under the North American Free Trade Agreement (NAFTA);
- L-1A and L-1B Intracompany Transferees;
- H-1B Specialty Occupation Workers;
- R-1 Religious Workers;
- E-12 Outstanding Professors and Researchers;
- E-13 Multinational Managers and Executives;



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- SD-1 Ministers of Religion; and
- SR-1 Certain Religious Workers

Employers may request predeterminations of the following:

- E-12 petitions filed by private employers:
  - Whether the employer employs three or more full-time researchers;
  - Whether the employer has achieved documented accomplishments in an academic field. See 8 C.F.R. § 204.5(i)(3)(iii)(C).
- E-13 petitions:
  - Whether a qualifying relationship exists between the employer in the United States and any claimed parents, branches, affiliates, or subsidiaries overseas;
  - Whether the employer or its parents, affiliates, or subsidiaries conduct business in two or more countries, one of which is the United States;
  - Whether the prospective U.S. employer has been doing business for the requisite period;
  - If there are multiple qualifying relationships, whether all related foreign entities are doing business. See 8 C.F.R. § 204.5(j)(2) & (3).
- SD-1 and SR-1 petitions:

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- 501(c)(3) (Tax Exemption) Designation – Whether the petitioner has its own individual IRC 501(c)(3) determination letter, is recognized as tax-exempt under a group designation, or is affiliated with the religious denomination. See 8 C.F.R. § 204.5(m)(8).
- Salaried or [redacted] compensation – How the petitioner intends to compensate the beneficiary(ies), budgets and past evidence of monetary or in kind compensation. See 8 C.F.R. § 204.5(m)(10).

- Whether the employer demonstrates an “ability to pay” the proffered wage. 8 C.F.R. § 204.5(g)(2).
  - E-12 petitions (both private employers and institutions of higher learning).
  - E-13 petitions.

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[redacted]

- L-1 petitions: Whether the U.S. employer and one or more of its related foreign entities have presented sufficient evidence to establish that they are “qualifying organizations” as required under 8 C.F.R. § 214.2(l)(3). Specifically, whether, as set forth in 8 C.F.R. § 214.2(l)(1)(ii)(G):
  - A qualifying relationship exists between the entities; and
  - The entities satisfy the “doing business” requirement.

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H-1B cap exemption eligibility. [redacted]

- H-1B ACWIA fee exemption eligibility. See INA § 214(c)(9)(A); see also 8 C.F.R. § 214.2(h)(19)(iii).

- H-1B and TN business documents uploaded: Documents relating to the employer’s business and operations may be uploaded to support the adjudication of individual TN and H-1B applications and petitions. These documents do not relate to specific employer requirements for these classifications, but are often included by employers when filing individual petitions. They may include:

- Corporate documentation such as articles of incorporation or organization, bylaws, operating agreements, partnership agreements, or local business licenses:
- Tax documentation such as annual tax returns or quarterly wage reports:
- Financial documents such as bank statements, profit and loss reports, or annual reports; and
- Business documents such as business plans, organizational charts, marketing materials, master service agreements with third-party clients, and other information regarding a business’s products or services.

- R-1 petitions:

- 501(c)(3) (Tax Exemption) Designation – Whether the petitioner has its own individual IRC 501(c)(3) determination letter, is recognized as tax-exempt under a group designation, or is affiliated with the religious denomination. See 8 C.F.R. § 214.2(r)(9).

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- Salaried or [redacted] compensation – How the petitioner intends to compensate the beneficiary(ies), budgets and past evidence of monetary or in kind compensation. See 8 C.F.R. § 214.2(r)(11)(i).

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[redacted]

[redacted]

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- o Self-support – Evidence demonstrating that the organization has an established program for temporary, uncompensated, missionary work. See 8 C.F.R. § 214.2(r)(11)(ii).

[Redacted]

- o Corporate documentation such as articles of incorporation or organization, bylaws, operating agreements, partnership agreements, or local business licenses;
- o The organizing instrument of the organization that specifies the purpose or the organization;
- o Tax documentation such as annual tax returns or quarterly wage reports;
- o Financial documents such as bank statements, profit and loss reports, or annual reports; and
- o Business documents such as business plans, organizational charts, marketing materials, master service agreements with third-party clients, and other information regarding a business’s products or services.
- o Tax documentation such as annual tax returns or quarterly wage reports;
- o Financial documents such as bank statements;
- o Organizational literature;
- o Religious denominational certification;
- o Corporate/denominational directories;
- o Denominational creedal statements or statements of faith;
- o Doctrinal statements; and
- o Other organizational documents such as organizational charts, communications or public outreach materials, and other information regarding the organization’s purpose, mission, etc.

[Redacted]

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[Redacted]

### Overview of Processing and Adjudication

Should your organization choose to participate in the Known Employer pilot, you would:

1. Create a profile in the KEDL for your organization.
2. Upload supporting documentation to the KEDL for each predetermination you are requesting.

[Redacted]

[Redacted]

After receiving your documents in the KEDL, USCIS will:

- Determine whether your organization qualifies for the predetermination(s) requested on Form I-950.
- Inform you regarding [Redacted]

[Redacted] together with the Known Employer notice that your requested predeterminations were approved.

[Redacted]

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- o When submitting individual petitions or applications, you would not be required to resubmit the documentation that you uploaded to the KEDL unless USCIS requests that you do so.

Please note: You must immediately submit an amended Form I-950 and upload new or revised documentation to the KEDL in the event of changes affecting your eligibility for any of the predeterminations that USCIS approved under the Known Employer pilot. Additionally, since the pilot is being extended beyond one year participants will need to resubmit, on at least an annual basis, documentary evidence for each of the predeterminations that have been granted in order to demonstrate continued eligibility.

When filing petitions or applications for individual employees under the Known Employer pilot, you must submit any evidence needed to satisfy any eligibility requirements.

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There is no fee to participate in the Known Employer pilot, but all applicable Form I-129, Form I-140, fees still apply.

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In order to best assess the pilot, DHS encourages participants to use the Known Employer procedures to file petitions or applications in the selected classifications. Participants may, however, continue to file individual petitions and applications in these classifications through the normal procedures.

Important: Do not submit a notice of approved predetermination together with any petition or application initially filed under normal filing procedures. Rather, you should submit all evidence that is required for such normal filings. These include all petitions or applications filed before or after the period that the pilot is in effect, as well as those filed under normal procedures.

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Each petition or application filed must establish eligibility based upon the record that individual case. A predetermination notice will be valid from the date of approval for a period of one year.

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Only petitions and applications filed during the validity period of the predeterminations may be the Known Employer process.

#### Program Monitoring and Feedback

The pilot will be monitored on an ongoing basis and remain in effect until it is terminated.

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If USCIS decides to terminate or extend the pilot, it will directly notify each participant. Once the pilot is terminated or ends (or your organization withdraws or is terminated from the pilot), determinations made under the pilot will no longer be valid for purposes of petitions or applications filed thereafter.

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The individual feedback of pilot participants and officials participating in the pilot will be assessed to gauge the prospects of a permanent Known Employer program. DHS plans to announce the results of the pilot publicly, and if it is successful, may make it permanent and open to all eligible employers.

Your organization's participation in the Known Employer pilot is strictly voluntary. USCIS greatly appreciates the participation of the selected employers as we determine whether to pursue a permanent program. Please understand, however, that while the pilot is intended to achieve the goals outlined above,

it does not alter the substantive eligibility requirements that all petitioners and applicants must meet to employ nonimmigrant or immigrant workers in the United States.

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director (MS 2000)  
Washington, DC 20529-2000



U.S. Citizenship  
and Immigration  
Services

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Date: XXXXXXXX

Dear XXXXXXXX,

On behalf of the U.S. Department of Homeland Security (DHS), I am inviting your organization to participate in the Known Employer pilot program. The Known Employer pilot was created to analyze the effectiveness of a streamlined process for [redacted] employers who want to hire [redacted] workers through [redacted] employment-based immigrant and nonimmigrant classifications. We believe the pilot will reduce paperwork, costs, and delays by modifying [redacted] process [redacted] by which U.S. Citizenship and Immigration Services (USCIS) reviews an employer's eligibility to sponsor individuals under certain visa categories.

To analyze the effectiveness of this streamlined process, DHS has invited a small number of employers who have been selected based on their filing record to participate in the Known Employer pilot. Should you choose to participate, you will be able to upload a [redacted] application and supporting documents into a Web-based document library. USCIS will then review those documents and render a predetermination regarding whether your organization has satisfied [redacted] requirements to [redacted] workers under selected visa categories. If we determine that the evidence you submitted meets those requirements, you will not need to resubmit the [redacted] evidence [redacted] each time you file a petition or application on behalf of an individual employee [redacted]

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[redacted] There is no fee to participate in this pilot but the fees for individual petitions and applications are still required.

We launched the pilot in March 2016 with a small group of participants, and we are inviting a select few additional organizations to join this group so we can fully explore its benefits. By participating in this pilot, you will help us determine if we should formalize a Known Employer program, how we could expand it, or if we should abandon it. The pilot is currently scheduled to continue through [redacted]

To participate, please complete and email the enclosed agreement, within [redacted] week [redacted] of receipt, to [USCIS-IGAOutreach@uscis.dhs.gov](mailto:USCIS-IGAOutreach@uscis.dhs.gov). We note that different components of [redacted] have filed petitions with USCIS, each component bearing its own unique Federal Employer Identification Number (FEIN). This invitation is being extended to [redacted] bearing the FEIN

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[redacted] Any predeterminations which USCIS grants will pertain solely to the entity associated with [redacted] FEIN [redacted]. Therefore, any petitions which you file under the Known Employer program would have to be filed by the entity bearing this FEIN. [redacted] other components [redacted] may continue to file petitions. [redacted] however, those other entities would continue filing through normal [redacted] [redacted] and not under the Known Employer program.

[redacted]

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[redacted]

[redacted]

[redacted] We will contact you [redacted] [redacted] to confirm your interest [redacted]

[redacted]

Thank you in advance for considering our invitation. [redacted] participation [redacted] [redacted] is [redacted] important in helping [redacted]

[redacted]

Sincerely,

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[redacted]  
[redacted] Director, USCIS

Enclosures: Known Employer Pilot Fact Sheet [redacted]

**From:** Doumani, Stephanie M  
**To:** Elder, Phillip D; Choi, Heesun S (Sunny); Wittman, Gregory J (Greg)  
**Cc:** Nolan, Connie L; Simpson, Erica L; Fortes, Michael J; Orise, Sharon R; Cox, Robert H  
**Subject:** RE: AS-021502: FY22 Congressional Appropriations Reporting Requirements  
**Date:** Friday, April 15, 2022 4:05:15 PM

I understand and figured it was long shot. We're working on [redacted]

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Hopefully that'll suffice. I appreciate OCC's weigh in.

-Stephanie

**From:** Elder, Phillip D <[redacted]>  
**Sent:** Friday, April 15, 2022 4:00 PM  
**To:** Choi, Heesun S (Sunny) <[redacted]>; Doumani, Stephanie M <[redacted]>; Wittman, Gregory J (Greg) <[redacted]>  
**Cc:** Nolan, Connie L <[redacted]>; Simpson, Erica L <[redacted]>; Fortes, Michael J <[redacted]>; Orise, Sharon R <[redacted]>; Cox, Robert H <Robert.H.Cox@uscis.dhs.gov>  
**Subject:** RE: AS-021502: FY22 Congressional Appropriations Reporting Requirements

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In advance or after it was over. [redacted]

(b)(5)

**From:** Choi, Heesun S (Sunny) <[redacted]>  
**Sent:** Friday, April 15, 2022 12:49 PM  
**To:** Elder, Phillip D <[redacted]>; Doumani, Stephanie M <[redacted]>; Wittman, Gregory J (Greg) <[redacted]>  
**Cc:** Nolan, Connie L <[redacted]>; Simpson, Erica L <[redacted]>; Fortes, Michael J <[redacted]>; Orise, Sharon R <[redacted]>; Cox, Robert H <[redacted]>  
**Subject:** RE: AS-021502: FY22 Congressional Appropriations Reporting Requirements

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Stephanie – to the best of my recollection, [redacted]

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Thanks,  
Sunny

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**From:** Elder, Phillip D <[redacted]>  
**Sent:** Friday, April 15, 2022 1:41 PM

**To:** Doumani, Stephanie M [redacted] Choi, Heesun S (Sunny)

[redacted] <[redacted]>; Wittman, Gregory J (Greg) <[redacted]>

**Cc:** Nolan, Connie L <[redacted]>; Simpson, Erica L

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[redacted]; Fortes, Michael J <[redacted]>; Orise, Sharon

[redacted]; Cox, Robert H <[redacted]>

**Subject:** RE: AS-021502: FY22 Congressional Appropriations Reporting Requirements

Stephanie,

I have nothing of substance that would help you on this request.

Thanks,

Phillip

**From:** Doumani, Stephanie M <[redacted]>

**Sent:** Friday, April 15, 2022 11:35 AM

**To:** Choi, Heesun S (Sunny) <[redacted]>; Elder, Phillip D

<[redacted]>; Wittman, Gregory J (Greg) <[redacted]>

(b)(6)

**Cc:** Nolan, Connie L <[redacted]>; Simpson, Erica L

[redacted]; Fortes, Michael J <[redacted]>; Orise, Sharon

**Subject:** FW: AS-021502: FY22 Congressional Appropriations Reporting Requirements

**Importance:** High

Hi Folks,

Hoping you can assist with an ask we received from the OCFO's office related to a reporting requirement for congress.

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[redacted]

We at SCOPS don't have anything on hand, aside from following, which we pulled from our concept paper. It doesn't get into any savings - just essentially points out the agency wouldn't take on any additional costs.

Any assistance would be greatly appreciated!

**Costs of Adjudication:**

USCIS costs of adjudication for the pilot would be covered by the normal processing fees, to include:

- Form – XXX                      No fee for pilot
- Form I-129                        \$325 fee
- Form I-907                        \$1225 Premium Processing fee optional for beneficiary
- Form I-140                        \$580 fee
- Fraud Fee                         \$500
- Border Security Fee for L1    \$2250

Border Security Fee for H1B \$2000

If the pilot program ultimately were to become a permanent program, participating employers would be required to submit fees for the new Form-XXX, according to the time and fee study, to become a Known Employer, to USCIS.

Thanks,  
Stephanie

\*\*\*\*\*  
\*\*\*\*\*

**Original ask from OCFO:**

**Reporting Requirement 3:** The FY22 Omnibus has requested that *“Within 60 days of the date of enactment of this Act, USCIS shall provide a report to the Committee on the operation of the pilot program from 2016 to 2020 for the Trusted Employer Program, including information regarding any cost savings to the agency, cost savings to petitioners, and operational and security benefits to the agency.”*

**OP&S** – Please provide your report on the operation of the pilot program from 2016 to 2020 for the Trusted Employer Program that was discussed in detail and with urgency during our Reporting Requirements meeting on Monday, April 4<sup>th</sup>. This requirement is due in STARS by COB April 11th.

**SCOPS, OCFO**- As the supporting DPO, please respond to OP&S and their request for additional support in completing this requirement.

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**From:** Johnetta Drake <[redacted]>  
**Sent:** Friday, April 8, 2022 12:11 PM  
**To:** Parsons, Tracey E [redacted]  
**Subject:** AS-021502: FY22 Congressional Appropriations Reporting Requirements



Please review the details below regarding the Clearance Request that has just been assigned to you.

**Service Item Subject:** FY22 Congressional Appropriations Reporting Requirements

**Due Date:** 4/11/2022 5:00 PM



**Instructions:** FOD;MGT;OCFO;OP&S;OPQ;RAIO;SCOPS: As a follow on to the April 4th meeting "FY22 Enacted Budget and Reporting Details" please complete the attached reporting requirements based on the provided instructions. There are FOUR reporting requirements in all, please pay close attention to the instructions to determine which requirements require your input. Questions can be directed to the POCs at the bottom of the instruction document

**Service Item Description:** As a follow on to the April 4th meeting "FY22 Enacted Budget and Reporting Details" please complete the attached reporting requirements based on the provided instructions. There are FOUR reporting requirements in all, please pay close attention to the instructions to determine which requirements require your input. Questions can be directed to the POCs at the bottom of the instruction document.

**Assignment Number:** AS-021502

**EXSO Service Item:** 00049139

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**From:** Collins, Gregory A  
**To:** Choi, Heesun S (Sunny); West, Richard J (The Rick West from IT); Soly, Robert M JR; Parker, Sabrina M; Bernstein, Lauren J; Elder, Phillip D; Schmidt, Bruce H; Gwartney, Gregg B; Chen, Xian H (Annie); Fowlkes, Karen L  
**Cc:** Fortes, Michael J; Leman, Erik A; Kilbane, John R; Peck, Denis R  
**Subject:** RE: Known Employer - KEDL Decommission Proposal  
**Date:** Thursday, January 21, 2021 2:42:12 PM

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Thank you Sunny.

**Gregory Collins / Program Manager**  
DHS | USCIS | Service Center Operations | EPIC  
Cell Phone: 213-200-7488  
Desk Phone: 202-272-8173

**From:** Choi, Heesun S (Sunny) <[redacted]>  
**Sent:** Thursday, January 21, 2021 2:42 PM  
**To:** West, Richard J (The Rick West from IT) <[redacted]>; Collins, Gregory A <[redacted]>; Soly, Robert M JR <[redacted]>; Parker, Sabrina M <[redacted]>; Bernstein, Lauren J <[redacted]>; Elder, Phillip D <[redacted]>; Schmidt, Bruce H <[redacted]>; Gwartney, Gregg B <[redacted]>; Chen, Xian H (Annie) <[redacted]>; Fowlkes, Karen L <[redacted]>  
**Cc:** Fortes, Michael J <[redacted]>; Leman, Erik A <[redacted]>; Kilbane, John R <[redacted]>; Peck, Denis R <[redacted]>  
**Subject:** RE: Known Employer - KEDL Decommission Proposal

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OCC does not see a need to attend this meeting as the Records office is best positioned to address these questions.

Thank you,  
Sunny

*Sunny Choi*  
Deputy, Adjudications Law Division  
DHS | USCIS | Office of the Chief Counsel

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[redacted]

(202) 272-1478 (Fax)

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[redacted]

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**From:** West, Richard J (The Rick West from IT) <[redacted]>  
**Sent:** Thursday, January 21, 2021 1:49 PM  
**To:** Collins, Gregory A <[redacted]>; Soly, Robert M JR <[redacted]>; Parker, Sabrina M <[redacted]>; Choi, Heesun S (Sunny) <[redacted]>; Bernstein, Lauren J <[redacted]>; Elder, Phillip D <[redacted]>; Schmidt, Bruce H <[redacted]>; Gwartney, Gregg B <[redacted]>; Chen, Xian H (Annie) <[redacted]>; Fowlkes, Karen L <[redacted]>  
**Cc:** Fortes, Michael J <[redacted]>; Leman, Erik A <[redacted]>

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(b)(6) [redacted]; Kilbane, John R <[redacted]>; Peck, Denis R

**Subject:** RE: Known Employer - KEDL Decommission Proposal

Hi Greg,

No objection from me.

Thanks,

Richard J. West

Chief of DIDIT Architecture and Infrastructure

Systems Delivery Division

DHS USCIS Office of Information Technology

Cell [redacted]

(b)(6) **From:** Collins, Gregory A <[redacted]>

**Sent:** Thursday, January 21, 2021 1:36 PM

**To:** West, Richard J (The Rick West from IT) <[redacted]>; Soly, Robert M JR <[redacted]>; Parker, Sabrina M <[redacted]>; Choi, Heesun S (Sunny) <[redacted]>; Bernstein, Lauren J <[redacted]>; Elder, Phil <[redacted]>; Schmidt, Bruce <[redacted]>

(b)(6) Gwartney, Gregg B <[redacted]>; Chen, Xian H (Annie) <[redacted]>; Fowlkes, Karen L <[redacted]>  
**Cc:** Fortes, Michael J <[redacted]>; Leman, Erik A <[redacted]>; Kilbane, John R <[redacted]>; Peck, Denis R <[redacted]>

**Subject:** RE: Known Employer - KEDL Decommission Proposal

Hi Richard,

OCC had messaged me earlier today and indicated they were identifying the best choice to attend, I was holding off on sending the invite out today till I had confirmation on that change.

Next Thursday at 1 pm looked to have the best general availability, though. I can create and send out an invite for that date if there's no objections.

Thank you,

**Gregory Collins / Program Manager**

DHS | USCIS | Service Center Operations | EPIC

Cell Phone [redacted]

Desk Phon [redacted]

(b)(6) **From:** West, Richard J (The Rick West from IT) <[redacted]>

**Sent:** Thursday, January 21, 2021 1:25 PM

**To:** Collins, Gregory A <[redacted]>; Soly, Robert M JR <[redacted]>; Parker, Sabrina M <[redacted]>; Choi, Heesun S (Sunny) <[redacted]>; Bernstein, Lauren J <[redacted]>; Elder, Phillip D <[redacted]>; Schmidt, Bruce <[redacted]>

(b)(6) Gwartney, Gregg B <[redacted]>; Chen, Xian H (Annie) <[redacted]>; Fowlkes, Karen L <[redacted]>  
**Cc:** Fortes, Michael J <[redacted]>; Leman, Erik A <[redacted]>; Kilbane, John R <[redacted]>; Peck, Denis R <[redacted]>

**Subject:** RE: Known Employer - KEDL Decommission Proposal

All,

Has a meeting invite been created for this?  
Thanks,  
Richard J. West  
Chief of DIDIT Architecture and Infrastructure  
Systems Delivery Division

(b)(6) DHS USCIS Office of Information Technology  
Cell [redacted]

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**From:** West, Richard J (The Rick West from IT)

**Sent:** Tuesday, January 19, 2021 10:47 AM

**To:** Collins, Gregory A <[redacted]>; Soly, Robert M JR

[redacted] Parker, Sabrina M <[redacted]> Choi, Heesun S (Sunny) <[redacted]>; Bernstein, Lauren J <[redacted]>; Elder, Phillip D <[redacted]> Schmidt, Bruce <[redacted]>; Gwartney, Gregg B <[redacted]>; Chen, Xian H (Annie)

<[redacted]>; Fowlkes, Karen L <[redacted]>

**Cc:** Fortes, Michael J <[redacted]> Leman, Erik A

<[redacted]> Kilbane, John R <[redacted]> Peck, Denis R

**Subject:** RE: Known Employer - KEDL Decommission Proposal

My Calendar is also up to date.

Thanks,

Richard J. West

Chief of DIDIT Architecture and Infrastructure  
Systems Delivery Division

(b)(6) DHS USCIS Office of Information Technology  
Cell [redacted]

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**From:** Collins, Gregory A <[redacted]>

**Sent:** Friday, January 15, 2021 4:05 PM

**To:** Soly, Robert M JR <[redacted]> Parker, Sabrina M

<[redacted]>; West, Richard J (The Rick West from IT)

<[redacted]> Choi, Heesun S (Sunny) <[redacted]>

Bernstein, Lauren J <[redacted]> Elder, Phillip D

<[redacted]>; Schmidt, Bruce H <[redacted]>; Gwartney,

Gregg B <[redacted]>; Chen, Xian H (Annie) <[redacted]>;

Fowlkes, Karen L <[redacted]>

**Cc:** Fortes, Michael J <[redacted]>; Leman, Erik A

<[redacted]>; Kilbane, John R <[redacted]>; Peck, Denis R

**Subject:** RE: Known Employer - KEDL Decommission Proposal

Hello all,

I just wanted to follow up on this and see if we could schedule a discussion on this with OCC, DID(it), and Records. The two federal holidays next week mean it's not ideal for scheduling. That places us looking at the week of January 25<sup>th</sup> – 29<sup>th</sup>. OCC, Records, DID(it), could you let us know what days would work for you that week?

Thank you,

**Gregory Collins / Program Manager**

DHS | USCIS | Service Center Operations | EPIC

Cell Phone: [REDACTED]

Desk Phone: [REDACTED]

(b)(6)

**From:** Collins, Gregory A

**Sent:** Friday, January 8, 2021 4:53 PM

**To:** Soly, Robert M JR <[REDACTED]>; Parker, Sabrina M

<[REDACTED]>; West, Richard J (The Rick West from IT)

<[REDACTED]> Choi, Heesun S (Sunny) [REDACTED];

Bernstein, Lauren J <[REDACTED]>; Elder, Phillip D

[REDACTED]; Schmidt, Bruce H <[REDACTED]> Gwartney,

Gregg B <[REDACTED]> Chen, Xian H (Annie) [REDACTED]

Fowlkes, Karen L <[REDACTED]>

**Cc:** Fortes, Michael J <[REDACTED]>; Leman, Erik A

[REDACTED] Kilbane, John R <[REDACTED]>; Peck, Denis R

**Subject:** Known Employer - KEDL Decommission Proposal

Hello all,

[REDACTED]

(b)(5)

Thank you,

**Gregory Collins / Program Manager**

DHS | USCIS | Service Center Operations | EPIC

Cell Phone: [REDACTED]

Desk Phone: [REDACTED]

(b)(6)

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

The following employers are participating in the pilot:

(b)(5)



USCIS will update this list if additional participants join the pilot. Please note that USCIS preselected all the participants. We are not accepting applications for the Known Employer pilot.

Beginning in March 2016, the pilot was scheduled to last for one year. However, the pilot was subsequently extended to May 31, 2018 [redacted] USCIS has now extended the pilot for another two-year period through May 31, 2020 [redacted]

(b)(5)

**U.S. Citizenship and Immigration Services (USCIS)**  
**Known Employer Pilot Agreement**

This Agreement is made and entered into as of the date indicated below by \_\_\_\_\_ (“pilot participant” or “participant”), an organization having its principal offices at \_\_\_\_\_.

The Department of Homeland Security (DHS) created the Known Employer pilot to streamline the process for employers seeking to hire certain workers through employment-based immigrant and nonimmigrant classifications. The objective is to reduce paperwork, costs, and delays in processing these benefit requests by modifying the process by which USCIS reviews an employer’s eligibility to sponsor individuals for classification under certain immigrant and nonimmigrant visa categories. In order to gauge the long-term prospects of a Known Employer program, USCIS is conducting the pilot with a small number of participating organizations. Participants understand and agree to the following:

1. Participation in the pilot is voluntary, and the participant may withdraw at any point. The participant’s obligations under paragraph 8 of this agreement, however, will continue after any withdrawal by the participant from the pilot, termination from the pilot, or conclusion of the pilot.
2. The pilot has been in place since March 2016 and USCIS intends for the pilot to continue through  202<sup>2</sup>. However, USCIS may terminate or extend the pilot at any time, and may terminate the pilot for any reason. If the pilot is terminated, USCIS will provide notification to participants. Termination of the pilot will not have any adverse effect on a participant’s ability to file individual petitions or applications on behalf of prospective employees through normal filing procedures.
3. If USCIS finds that a participant has violated the terms of this agreement, USCIS may deactivate the participant’s Known Employer Document Library (“KEDL”) account and disallow any future filings as part of the Known Employer pilot. Removal from the Known Employer pilot will not, by itself, have any adverse effect on a participant’s ability to file individual petitions or applications on behalf of prospective employees through normal filing procedures.
4. Participation in the Known Employer pilot does not change the substantive requirements for eligibility for the immigration benefits requested. The burden remains on participating employers, as with all employers petitioning or applying for immigration benefits on behalf of workers, to establish eligibility, in accordance with all substantive requirements.
5. The participant is not required to use the Known Employer pilot for all petitions or applications filed under immigrant and nonimmigrant visa classifications for which a predetermination has been approved. However, the participant will attempt to file under the Known Employer procedures as often as possible so that USCIS may best assess the long-term prospects of the KEDL and the Known Employer process.

(b)(5)



6. Petitions or applications filed by the participant for immigrant and nonimmigrant visa classifications which are not a part of the pilot or for which the participant has not received an approved predetermination, must be filed by the participant under normal filing procedures and be submitted with all required initial and supporting evidence.
7. USCIS has developed the KEDL; Form I-950, Application for Predetermination Under the Known Employer Program; and the filing, processing and adjudication procedures associated with the Known Employer pilot to explore the possibility of a permanent Known Employer program. Participants acknowledge that they must use that form and procedures when requesting predeterminations under the pilot.
8. The KEDL, Form I-950, and pilot procedures are not intended for release by the participating organizations before USCIS' analysis of the results of the pilot. Toward this end, USCIS requests that the participant hold details about their participation in the pilot in confidence and take all reasonable precautions to protect those details, including but not limited to:
  - a. KEDL content, images, and processes; and
  - b. Form I-950.
9. Documents uploaded to the KEDL will not be returned, cannot be altered in or removed from the document library, and will be retained in accordance with the USCIS and National Archives and Records Administration records retention schedules for such systems.
10. If changes occur that would affect the participant's eligibility for any of the predeterminations approved under the Known Employer pilot, the participant must promptly notify USCIS by filing an amended Form I-950 and uploading any new or updated documents that verify these changes and demonstrate continued eligibility for the same predetermination(s). While an amended Form I-950 is pending with USCIS, the participant should not file new petitions or applications for individual beneficiaries under the Known Employer pilot that are based on previously approved predeterminations that have been affected by these changes.
11. Pilot participants will provide individual feedback to USCIS throughout the pilot regarding the performance of the KEDL, the perceived advantages and disadvantages of the Known Employer pilot in comparison to normal filing and processing methods for immigration benefits, and any suggested improvements or enhancements to the KEDL and the overall program. In addition, participants will complete a survey and participate in individual debriefing sessions approximately six months after entering the pilot and at the end of the pilot.
12. Information uploaded into the KEDL may contain personally identifiable information that is associated with, and subject to, the following published Privacy Act system of records notices (SORNs): DHS/USCIS-007 ("Benefits Information System", 73 Fed. Reg. 56596, Sept. 29, 2008), and DHS/USCIS-ICE-CBP-001 ("Alien File, Index, and National File Tracking System of Records", 78 Fed. Reg. 69983, Nov. 22, 2013), both of which are available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may share information contained in these SORNs with other federal, state, local, and foreign government agencies and authorized organizations pursuant to the

approved routine uses described in the associated SORNS, including for law enforcement purposes or in the interest of national security.

13. A participant's involvement in the Known Employer pilot is not confidential. In the interest of transparency, once all participants have been selected and enrolled in the Known Employer pilot, DHS will provide a publicly accessible Web link listing the names and main office locations of the participating organizations. However, because DHS wishes to make a formal announcement to launch the Known Employer pilot, participants agree to not disclose the fact of their participation publicly until such time as DHS makes its announcement.

**Known Employer Pilot Project Participant**

\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
Organization Address

\_\_\_\_\_  
Signatory Name

\_\_\_\_\_  
Signatory Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(b)(5)

The following employers are participating in the pilot:



This list will be updated if additional participants join the pilot. Please note that all participants have been preselected. USCIS is not accepting applications for the Known Employer pilot.

Beginning in March 2016, the pilot was scheduled to last for one year. However, the pilot was subsequently extended to May 31, 2018. USCIS has now extended the pilot for another two-year period through May 31, 2020.

### **Immigrant Classifications Included in Known Employer**

The following employment-based immigrant classifications are the only ones included in the Known Employer pilot:

- E12, outstanding professor or researcher
- E13, multinational executive or manager

(b)(5)



- SD-1 ministers of religion
- SR-1- certain religious workers

Formatted: Indent: Left: -0.25"

**From:** Choi, Heesun S (Sunny)  
**To:** Gisser, Sheldon A (Alex)  
**Cc:** Miran, Maria Y  
**Subject:** RE: For Visibility: Known Employer Pilot Expiration Alert Box  
**Date:** Monday, December 21, 2020 8:14:03 PM

(b)(5) [Redacted]

**From:** Gisser, Sheldon A (Alex) [Redacted]  
**Sent:** Monday, December 21, 2020 9:13 PM  
**To:** Choi, Heesun S (Sunny) [Redacted]  
**Cc:** Miran, Maria Y [Redacted]  
**Subject:** RE: For Visibility: Known Employer Pilot Expiration Alert Box

(b)(6) [Redacted]

(b)(5) [Redacted]

**From:** Choi, Heesun S (Sunny) [Redacted]  
**Sent:** Monday, December 21, 2020 7:34 PM  
**To:** Miran, Maria Y [Redacted]; 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]; Elder, Phillip D [Redacted]  
**Subject:** RE: For Visibility: Known Employer Pilot Expiration Alert Box

(b)(6) [Redacted]

(b)(5) +Phillip as he and I reviewed the attached letter that went out to the [Redacted] 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](mailto:cisoccald@uscis.dhs.gov)>  
**Subject:** FW: For Visibility: Known Employer Pilot Expiration Alert Box

(b)(6) [Redacted]

FYI

Maria (for ALD Box)

**From:** OCC-Clearance <[OCC-Clearance@uscis.dhs.gov](mailto:OCC-Clearance@uscis.dhs.gov)>  
**Sent:** Monday, December 21, 2020 6:19 PM  
**To:** ALD <[cisoccald@uscis.dhs.gov](mailto:cisoccald@uscis.dhs.gov)>

**Subject:** FW: For Visibility: Known Employer Pilot Expiration Alert Box

FYI.

(b)(6)

**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,

(b)(5)

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

(b)(5)

[redacted]

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**

(b)(6)

Mobile:

This email was sent while teleworking.

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**To:** Gisser, Sheldon A (Alex)  
**Cc:** Miran, Maria Y  
**Subject:** RE: For Visibility: Known Employer Pilot Expiration Alert Box  
**Date:** Monday, December 21, 2020 8:16:41 PM

(b)(5) They initially had [redacted]

**From:** Gisser, Sheldon A (Alex) [redacted]  
**Sent:** Monday, December 21, 2020 9:15 PM  
**To:** Choi, Heesun S (Sunny) [redacted] >  
**Cc:** Miran, Maria [redacted] >  
**Subject:** RE: For Visibility: Known Employer Pilot Expiration Alert Box

(b)(6)

(b)(5) [redacted]

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**To:** Morse, Miriam A <[redacted]> Angustia, Kathleen M (Kate)

(b)(6) <[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>

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**Cc:** Adedokun, Imoleayo A (Ademide) <[redacted]>; Hetlage, Daniel D

(Dan) <[redacted]>; Scheidhauer, Sharon E

<[redacted]>; Bourke, Matthew <[redacted]>

(b)(6) 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]>

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Thanks,

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

(b)(6)

Mobile:

This email was sent while teleworking.



# I-140 KNOWN EMPLOYER MEETING

NOVEMBER 8, 2021 MEETING

11:00 AM

## TEAMS

Participants:

OPS: Lori, Alissa, Lauren

SCOPS: Sharon O., Mike F., Greg C., John K.

(b)(5)

## DISCUSSION

Mike: Met with Doug, who was interested in hearing SCOPS perspective.

[Redacted]

Lori: [Redacted]

[Redacted]

(b)(5)

Mike: [Redacted]

(b)(5)

[Redacted]

Lori: Good to know. [Redacted]

[Redacted]

Probably not a SCOPS question.

Mike: Personally, [Redacted]

[Redacted]

Greg: [Redacted]

[Redacted]

Mike: [Redacted]

[Redacted]

Greg: Did Doug share what we drafted for him about KE?

(b)(5)

(b)(5)

Lori: No

Greg: Okay, we'll share those.

Mike: Beyond that,

(b)(5)

Greg:

John: In honesty,

Lori: wondering what we can say in response to RPI. Also wondering

John:

Mike:

(b)(5)

John:

Mike:

Greg: We've noted it before

Mike:

(b)(5)

(b)(5)

Lauren: What you're saying for response to KE makes sense

[Redacted]

Mike: ELIS

[Redacted]

Sharon

[Redacted]

Lauren:

[Redacted]

Sharon: Yes. Working on it by form type.

(b)(5)

Lauren: Where are I-140s?

Sharon: Further down the list – possibly toward the end of next year.

Mike: In creating priorities

[Redacted]

Lori: So you presented all of this to Doug R. Any sense of his reaction?

Mike:

[Redacted]

John: Agree

[Redacted]

[Redacted]

Greg:

[Redacted]

[Redacted]

Mike

[Redacted]

John: In order to get

[Redacted]

[Redacted]

Greg:

[Redacted]

Mike

[Redacted]

John: Under the prior administration,

[Redacted]

[Redacted]

Greg

[Redacted]

Lauren: How did meeting with Doug end?

[Redacted]

(b)(5)

Mike: He forwarded a couple of questions which we answered (can forward to you).

Greg: First question was

[Redacted]

Second question

[Redacted] Will forward the emails.

John:

[Redacted]

[Redacted]

(b)(5)

## Known Employer Pilot

### Pilot Goals

The U.S. Department of Homeland Security (DHS) created the Known Employer pilot to streamline the process for employers seeking to hire certain workers through nonimmigrant and immigrant visa classifications. The objective is to reduce paperwork, costs, and delays in processing these benefit requests by modifying the process by which U.S. Citizenship and Immigration Services (USCIS) reviews an employer's eligibility to sponsor individuals for classification under certain visa categories. The pilot will assess the long-term feasibility of a new adjudicative process, which is centered on a web-based document library. Participating employers will be able to request that USCIS review and predetermine whether they have satisfied certain eligibility requirements before they petition or apply on behalf of individual employees under the selected classifications. The goals of the Known Employer pilot are to:

- Reduce the amount of paperwork filed by employers and retained by USCIS;
- Promote consistency in the adjudication of employment-based petitions and applications;
- Streamline the adjudicative process to achieve greater efficiency within USCIS; and
- Provide greater support to our partners in U.S. Customs and Border Protection (CBP) and the U.S. Department of State (DOS), leading to greater efficiency and consistency at ports of entry and consular posts.

In collaboration with DOS, DHS has invited employers of different sizes and from various industries and locations to participate in the pilot.

### About the Pilot

Under the Known Employer pilot, employers may file an application to request that USCIS predetermine whether they meet certain eligibility requirements for selected immigrant and nonimmigrant visa classifications. These requirements generally pertain to an employer's organizational structure, operations, and financial health. When making this request, employers will create a profile in the Web-based Known Employer Document Library (KEDL), and upload documents relating to the requirements. USCIS officers will then be able to review the documents and predetermine whether the employer has met the eligibility requirements for each classification requested. Employers who request a predetermination will not be able to file a motion to review or appeal USCIS' decision.

USCIS officers will generally defer to approved predeterminations in the absence of facts different from those presented or known to USCIS at the time of the Known Employer application. This means that a USCIS officer generally will not have to review predetermined employer eligibility requirements and will only have to decide on the remaining requirements of an application or petition, such as the nature of the job offered and the employee's qualifications. A USCIS officer adjudicating a petition or application filed under the Known Employer pilot will defer to an approved predetermination unless:

- The officer determines that there was a material error in the predetermination approval;
- A substantial change in circumstances has taken place that would require revisiting the predetermination; or
- There is new material information that adversely affects the validity of USCIS' predetermination.

### Visa Classifications Included in Known Employer

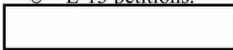
The Known Employer pilot will include petitions and applications for the following nonimmigrant and immigrant visa classifications:

- TN, Canadian and Mexican Citizens Engaged in Business Activities at a Professional Level Under the North American Free Trade Agreement (NAFTA);
- L-1A and L-1B Intracompany Transferees;
- H-1B Specialty Occupation Workers;
- R-1 Religious Workers;
- E-12 Outstanding Professors and Researchers;
- E-13 Multinational Managers and Executives;
- SD-1 Ministers of Religion; and
- SR-1 Certain Religious Workers

Employers may request predeterminations of the following:

- **E-12 petitions filed by private employers:**
  - Whether the employer employs three or more full-time researchers;
  - Whether the employer has achieved documented accomplishments in an academic field. *See* 8 C.F.R. § 204.5(i)(3)(iii)(C).
- **E-13 petitions:**
  - Whether a qualifying relationship exists between the employer in the United States and any claimed parents, branches, affiliates, or subsidiaries overseas;
  - Whether the employer or its parents, affiliates, or subsidiaries conduct business in two or more countries, one of which is the United States;
  - Whether the prospective U.S. employer has been doing business for the requisite period;
  - If there are multiple qualifying relationships, whether all related foreign entities are doing business. *See* 8 C.F.R. § 204.5(j)(2) & (3).
- **SD-1 and SR-1 petitions:**
  - 501(c)(3) (Tax Exemption) Designation – Whether the petitioner has its own individual IRC 501(c)(3) determination letter, is recognized as tax-exempt under a group designation, or is affiliated with the religious denomination. *See* 8 C.F.R. § 204.5(m)(8).
  - Salaried or in kind compensation – How the petitioner intends to compensate the beneficiary(ies), budgets and past evidence of monetary or in kind compensation. *See* 8 C.F.R. § 204.5(m)(10).
- **Whether the employer demonstrates an “ability to pay” the proffered wage. 8 C.F.R. § 204.5(g)(2).**
  - E-12 petitions (both private employers and institutions of higher learning).
  - E-13 petitions.

(b)(5)



(b)(5)

- [REDACTED]
- **L-1 petitions:** Whether the U.S. employer and one or more of its related foreign entities have presented sufficient evidence to establish that they are “qualifying organizations” as required under 8 C.F.R. § 214.2(l)(3). Specifically, whether, as set forth in 8 C.F.R. § 214.2(l)(1)(ii)(G):
    - A qualifying relationship exists between the entities; and
    - The entities satisfy the “doing business” requirement.
  - **H-1B cap exemption eligibility.** See INA § 214(g)(5).
  - **H-1B ACWIA fee exemption eligibility.** See INA § 214(c)(9)(A); see also 8 C.F.R. § 214.2(h)(19)(iii).
  - **H-1B and TN business documents uploaded:** Documents relating to the employer’s business and operations may be uploaded to support the adjudication of individual TN and H-1B applications and petitions. These documents do not relate to specific employer requirements for these classifications, but are often included by employers when filing individual petitions. They may include:
    - Corporate documentation such as articles of incorporation or organization, bylaws, operating agreements, partnership agreements, or local business licenses;
    - Tax documentation such as annual tax returns or quarterly wage reports;
    - Financial documents such as bank statements, profit and loss reports, or annual reports; and
    - Business documents such as business plans, organizational charts, marketing materials, master service agreements with third-party clients, and other information regarding a business’s products or services.
  - **R-1 petitions:**
    - 501(c)(3) (Tax Exemption) Designation – Whether the petitioner has its own individual IRC 501(c)(3) determination letter, is recognized as tax-exempt under a group designation, or is affiliated with the religious denomination. See 8 C.F.R. § 214.2(r)(9).
    - Salaried or in kind compensation – How the petitioner intends to compensate the beneficiary(ies), budgets and past evidence of monetary or in kind compensation. See 8 C.F.R. § 214.2(r)(11)(i).
    - Self-support – Evidence demonstrating that the organization has an established program for temporary, uncompensated, missionary work. See 8 C.F.R. § 214.2(r)(11)(ii).
  - **R-1 organizational documents uploaded:** Documents relating to the organization’s denominational standing and operations may be uploaded to support the adjudication of the individual R-1 petitions.
    - Corporate documentation such as articles of incorporation or organization, bylaws, operating agreements, partnership agreements, or local business licenses;
    - The organizing instrument of the organization that specifies the purpose or the organization;
    - Tax documentation such as annual tax returns or quarterly wage reports;
    - Financial documents such as bank statements, profit and loss reports, or annual reports; and
    - Business documents such as business plans, organizational charts, marketing materials, master service agreements with third-party clients, and other information regarding a business’s products or services.
    - Tax documentation such as annual tax returns or quarterly wage reports;

- Financial documents such as bank statements;
- Organizational literature;
- Religious denominational certification;
- Corporate/denominational directories;
- Denominational creedal statements or statements of faith;
- Doctrinal statements; and
- Other organizational documents such as organizational charts, communications or public outreach materials, and other information regarding the organization's purpose, mission, etc.

### **U.S. Customs and Border Protection and Department of State Participation**

Officers from CBP and DOS will also have access to the KEDL to aid in their adjudications.

### **Overview of Processing and Adjudication**

Should your organization choose to participate in the Known Employer pilot, you would:

1. Create a profile in the KEDL for your organization.
2. Upload supporting documentation to the KEDL for each predetermination you are requesting.
3. Complete Form I-950, Application for Predetermination under the Known Employer Program, and upload it to the KEDL.

After receiving your documents in the KEDL, USCIS will:

- Determine whether your organization qualifies for the predetermination(s) requested on Form I-950.
- Inform you regarding whether you may file individual Form I-129 and/or Form I-140 petitions with USCIS under the pilot, together with the Known Employer notice that your requested predeterminations were approved.
  - When submitting individual petitions or applications, you would not be required to resubmit the documentation that you uploaded to the KEDL unless USCIS requests that you do so.

**Please note:** You must immediately submit an amended Form I-950 and upload new or revised documentation to the KEDL in the event of changes affecting your eligibility for any of the predeterminations that USCIS approved under the Known Employer pilot. Additionally, since the pilot is being extended beyond one year participants will need to resubmit, on at least an annual basis, documentary evidence for each of the predeterminations that have been granted in order to demonstrate continued eligibility.

When filing petitions or applications for individual employees under the Known Employer pilot, you must submit any evidence needed to satisfy any eligibility requirements that were not predetermined. There is no fee to participate in the Known Employer pilot, but all applicable Form I-129 and Form I-140 fees still apply.

In order to best assess the pilot, DHS encourages participants to use the Known Employer procedures to file petitions or applications in the selected classifications. Participants may, however, continue to file individual petitions and applications in these classifications through the normal procedures.



**Important:** Do not submit a notice of approved predetermination together with any petition or application initially filed under *normal* filing procedures. Rather, you should submit all evidence that is required for such normal filings. These include all petitions or applications filed before or after the period that the pilot is in effect, as well as those filed under normal procedures for visa classifications that are not included in the pilot.

Each petition or application filed must establish eligibility based upon the record in that individual case. A predetermination notice will be valid from the date of approval for period of one year. Petitioners and applicants must resubmit documentary evidence in support of each predetermination, on an annual basis, to demonstrate continued eligibility. Only petitions and applications filed during the validity period of the predeterminations may be filed under the Known Employer process.

### **Program Monitoring and Feedback**

The pilot will be monitored on an ongoing basis and remain in effect until it is terminated, through at least May 2020. If USCIS decides to terminate or extend the pilot, it will directly notify each participant. Once the pilot is terminated or ends (or your organization withdraws or is terminated from the pilot), determinations made under the pilot will no longer be valid for purposes of petitions or applications filed thereafter.

The individual feedback of pilot participants and officials participating in the pilot will be assessed to gauge the prospects of a permanent Known Employer program. DHS plans to announce the results of the pilot publicly, and if it is successful, may make it permanent and open to all eligible employers.

Your organization's participation in the Known Employer pilot is strictly voluntary. USCIS greatly appreciates the participation of the selected employers as we determine whether to pursue a permanent program. Please understand, however, that while the pilot is intended to achieve the goals outlined above, it does not alter the substantive eligibility requirements that all petitioners and applicants must meet to employ nonimmigrant or immigrant workers in the United States.

**From:** Bruun, Lori L  
**To:** Morse, Miriam A; Smith, Mirna; Buten, Elizabeth C; Aucoin, Lauren J; Carr, Patrick J; Fortes, Michael J; Haldane, Erica D; Hardy, Amanda L; Hunt, Brian J; Kilbane, John R; Lomax-Larson, Nikki L; Miran, Maria Y; Orzea, Alissa M; Leal, Jessica; Lin, Peggy P; Choi, Heesun S (Sunny); Salem, Claudia S; Buono, Paul M; Nimick, Charles L (Locky); Brunner, Mark A; Angustia, Kathleen M (Kate); Potosnak, Christine A; Pham, Julia; Kobler, Michelle T; Zimonjic, Milica; Judkins, Laura A; Eddlemon, John P; Kustra, Bonnie C; Bernstein, Lauren J; Hale, Paola R; Chase, Carmen M; Williamson, Bryan J; Tseytlin, Natalia  
**Cc:** Hughes, Jeanne L  
**Subject:** RE: I-140: Discuss Outstanding Issues  
**Date:** Tuesday, October 26, 2021 12:02:27 PM  
**Attachments:** [image001.png](#)

No problem - [Side by side](#)

**Lori Bruun**

Policy Analyst, Office of Policy and Strategy (BFWD)

U.S. Citizenship and Immigration Services

Cell [REDACTED]

(b)(6)

**From:** Morse, Miriam A <Miriam.A.Morse@uscis.dhs.gov>

**Sent:** Tuesday, October 26, 2021 1:00 PM

**To:** Bruun, Lori L [REDACTED]; Smith, Mirna [REDACTED]; Buten, Elizabeth C [REDACTED]; Aucoin, Lauren [REDACTED]; Carr, Patrick J [REDACTED]; Fortes, Michael J [REDACTED]; Haldane, Erica D (AAO) [REDACTED]; Hardy, Amanda L [REDACTED]; [REDACTED]; Hunt, Brian J [REDACTED]; Kilbane, John R [REDACTED]; Lomax-Larson, Nikki L [REDACTED]; Miran, Maria Y [REDACTED]; Orzea, Alissa M [REDACTED]; Leal, Jessica [REDACTED]; Lin, Peggy P [REDACTED]; Choi, Heesun S (Sunny) [REDACTED]; Salem, Claudia S [REDACTED]; Buono, Paul M [REDACTED]; Nimick, Charles L (Locky) [REDACTED]; Brunner, Mark A [REDACTED]; Angustia, Kathleen M (Kate) [REDACTED]; [REDACTED]; Potosnak, Christine A [REDACTED]; Pham, Julia [REDACTED]; Kobler, Michelle T [REDACTED]; Zimonjic, Milica [REDACTED]; Judkins, Laura A [REDACTED]; Eddlemon, John [REDACTED]; Kustra, Bonnie C [REDACTED]; [REDACTED]; Bernstein, Lauren J [REDACTED]; Hale, Paola R [REDACTED]; Chase, Carmen M [REDACTED]; Williamson, Bryan J [REDACTED]; Tseytlin, Natalia [REDACTED]

**Cc:** Hughes, Jeanne L [REDACTED]

**Subject:** RE: I-140: Discuss Outstanding Issues

Can you send the link for the I-140 reg itself, the side by side?

**From:** Bruun, Lori L [REDACTED]

**Sent:** Tuesday, October 26, 2021 12:17 PM

**To:** Smith, Mirna [REDACTED]; Morse, Miriam A [REDACTED]; Buten, Elizabeth C [REDACTED]; Aucoin, Lauren J [REDACTED]

(b)(6)

(b)(6)

[redacted]; Carr, Patrick J <[redacted]> Fortes, Michael J  
[redacted] Haldane, Erica D (AAO) <[redacted]>; Hardy,  
Amanda L <[redacted]> Hunt, Brian J <[redacted]>; Kilbane,  
John R <[redacted]>; Lomax-Larson, Nikki L <[redacted]>  
[redacted] Miran, Maria Y <[redacted]> Orzea, Alissa M  
[redacted]; Leal, Jessica <[redacted]>; Lin, Peggy P  
<[redacted]>; Choi, Heesun S (Sunny) <[redacted]> Salem,  
Claudia S <[redacted]> Buono, Paul M <[redacted]>; Nimick,  
Charles L (Locky) <[redacted]>; Brunner, Mark A  
<[redacted]> Angustia, Kathleen M (Kate)  
<[redacted]>; Potosnak, Christine A <[redacted]>  
Pham, Julia <[redacted]>; Kobler, Michelle T <[redacted]>  
Zimonjic, Milica <[redacted]> Judkins, Laura A <[redacted]>;  
Eddlemon, John P <[redacted]>; Kustra, Bonnie C  
[redacted]; Bernstein, Lauren J <[redacted]>; Hale, Paola  
R <[redacted]> Chase, Carmen M <[redacted]> Williamson,  
Bryan J <[redacted]> Tseytlin, Natalia <[redacted]>  
**Cc:** Hughes, Jeanne L <[redacted]>  
**Subject:** RE: I-140: Discuss Outstanding Issues

In case anyone was interested in reviewing the known employer program prior to our meeting today:

<https://www.uscis.gov/archive/known-employer-pilot>

Talk with everyone soon.

**Lori Bruun**

Policy Analyst, Office of Policy and Strategy (BFWD)  
U.S. Citizenship and Immigration Services  
Cell [redacted]

(b)(6)

-----Original Appointment-----

**From:** Smith, Mirna <[redacted]>  
**Sent:** Wednesday, October 20, 2021 7:46 AM  
**To:** Smith, Mirna; Bruun, Lori L; Morse, Miriam A; Buten, Elizabeth C; Aucoin, Lauren J; Carr, Patrick J; Fortes, Michael J; Haldane, Erica D (AAO); Hardy, Amanda L; Hunt, Brian J; Kilbane, John R; Lomax-Larson, Nikki L; Miran, Maria Y; Orzea, Alissa M; Leal, Jessica; Lin, Peggy P; Choi, Heesun S (Sunny); Salem, Claudia S; Buono, Paul M; Nimick, Charles L (Locky); Brunner, Mark A; Angustia, Kathleen M (Kate); Potosnak, Christine A; Pham, Julia; Kobler, Michelle T; Zimonjic, Milica; Judkins, Laura A; Eddlemon, John P; Kustra, Bonnie C; Bernstein, Lauren J; Hale, Paola R; Chase, Carmen M; Williamson, Bryan J; Tseytlin, Natalia  
**Cc:** Hughes, Jeanne L  
**Subject:** I-140: Discuss Outstanding Issues  
**When:** Tuesday, October 26, 2021 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Objective:** Discuss outstanding issues on I-140.

[Outstanding I-140 issues.docx](#)

---

## Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

United States, Washington DC

(b)(6)

Phone Conference ID

[Find a local number](#) | [Reset PIN](#)

\* \* \* U.S. Citizenship and Immigration Services (USCIS) \* \* \*

[Learn More](#) | [Meeting options](#)

---

**From:** [Rogal, Leah L](#)  
**To:** [Bruun, Lori L](#)  
**Cc:** [Aucoin, Lauren J](#); [Orzea, Alissa M](#)  
**Subject:** RE: Known Employer  
**Date:** Tuesday, November 09, 2021 2:51:20 PM

(b)(5)

[Redacted]

Thanks,

Leah

**From:** Bruun, Lori L [Redacted]  
**Sent:** Tuesday, November 9, 2021 1:55 PM  
**To:** Rogal, Leah L [Redacted]  
**Cc:** Aucoin, Lauren J [Redacted]; Orzea, Alissa M [Redacted]

(b)(6)

**Subject:** Known Employer

Good afternoon, Leah,

We wanted to follow up on the meeting BFWD had with the FO about the regulatory text for the I-140 rule. One of the items from the RPI was to codify the known employer pilot program. Notably, that pilot also included Ls, Hs, and religious workers (both immigrant and nonimmigrant), so it is a bigger topic than just I-140s.

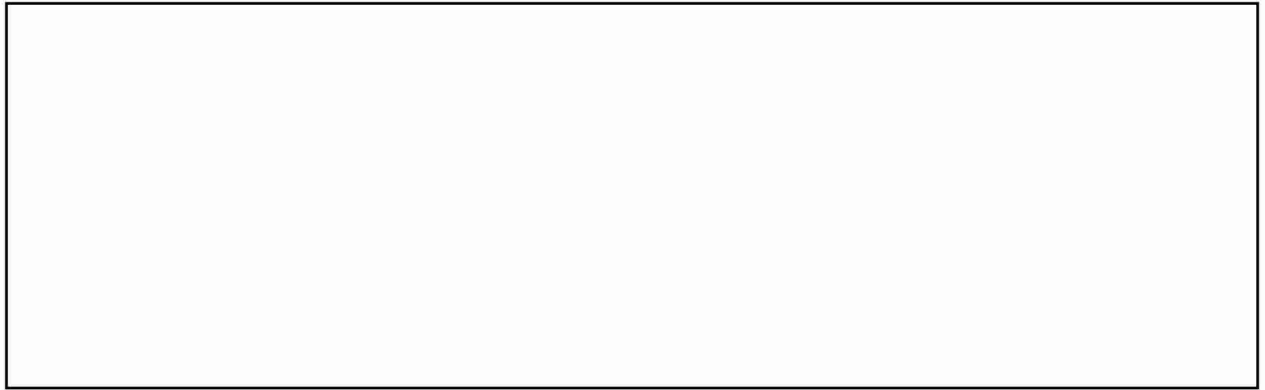
Yesterday we met with SCOPS to discuss the pilot in more detail. They had also met with Doug Rand about the pilot earlier.

We wanted to pass along what we learned from SCOPS yesterday.

(b)(5)

[Redacted]

(b)(5)



So my question initially was, [redacted]

(b)(5)

[redacted] It appears the answer is [redacted]  
[redacted]

Lauren and Alissa, please feel free to add to or correct anything in this email.

Please let me know if you have any questions, happy to meet on this topic.

**Lori Bruun**

Policy Analyst, Business and Foreign Worker Division  
Office of Policy and Strategy | U.S. Citizenship and Immigration Services

(b)(6)

Cel [redacted]

\* Teleworker



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

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**From:** [Lin, Peggy P](#)  
**To:** [Bruun, Lori L](#)  
**Subject:** RE: Known Employer  
**Date:** Wednesday, October 27, 2021 10:52:43 AM

---

I'm so glad you looped us in!

For background, in [redacted]

(b)(5)

Peggy Lin  
Policy Analyst, Office of Policy & Strategy (BFWD)  
U.S. Citizenship and Immigration Services  
Cell: [redacted]

(b)(6)

---

**From:** Bruun, Lori L <[redacted]>  
**Sent:** Wednesday, October 27, 2021 10:44 AM  
**To:** Lin, Peggy P <[redacted]>  
**Subject:** RE: Known Employer

(b)(5)

No worries, I multi-task too.

Yes, the option we are considering is [redacted]

(b)(5)

Thanks!

**Lori Bruun**  
Policy Analyst, Office of Policy and Strategy (BFWD)  
U.S. Citizenship and Immigration Services  
Cell [redacted]

(b)(6)

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**From:** Lin, Peggy P <[redacted]>  
**Sent:** Wednesday, October 27, 2021 10:38 AM  
**To:** Bruun, Lori L <[redacted]>  
**Subject:** RE: Known Employer

(b)(6)

Thanks Lori! So the [redacted]

(b)(5)

Sorry I missed some of your background information... dangers of multitasking!

Peggy Lin  
Policy Analyst, Office of Policy & Strategy (BFWD)

(b)(6) U.S. Citizenship and Immigration Services  
Cell: [redacted]

---

**From:** Bruun, Lori L [redacted]

**Sent:** Wednesday, October 27, 2021 10:33 AM

**To:** Aucoin, Lauren J [redacted]; Buono, Paul M

(b)(6) [redacted]; Buten, Elizabeth C [redacted] Graham,  
Michael D [redacted] Hardy, Amanda L [redacted];  
Hernandez, Efren [redacted] Leal, Jessica [redacted] n,  
Peggy [redacted] Nimick, Charles L (Locky) <[redacted]>  
Orzea, Alissa M [redacted]; Sturgeon, Jennifer L (Jen)  
[redacted]

**Subject:** Known Employer

Hi!

I just figured I would send to the whole team.

Attached are the I-950 and the briefing paper.

The information on the program available to the public before it expired is [here](#).

**Lori Bruun**

Policy Analyst, Office of Policy and Strategy (BFWD)

U.S. Citizenship and Immigration Services

Cell: [redacted]

(b)(6)



**From:** Collins, Gregory A  
**To:** Bruun, Lori L; Orzea, Alissa M  
**Cc:** Aucoin, Lauren J; Fortes, Michael J; Kilbane, John R  
**Subject:** RE: Known Employer Overview and Discussion  
**Date:** Monday, November 08, 2021 12:02:29 PM

---

Adding John and Mike, just in case you have any follow up questions.

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

Cell Phone: [Redacted]  
Desk Phone: [Redacted]

---

**From:** Collins, Gregory A

**Sent:** Monday, November 8, 2021 12:00 PM

**To:** Bruun, Lori L <[Redacted]>; Orzea, Alissa M <[Redacted]>

**Cc:** Aucoin, Lauren J <[Redacted]>

**Subject:** FW: Known Employer Overview and Discussion

Hi all,

The attached response to Doug's questions.

Thank you,

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

Cell Phone: [Redacted]  
Desk Phone: [Redacted]

---

**From:** Fortes, Michael J <[Redacted]>

**Sent:** Tuesday, September 28, 2021 8:39 AM

**To:** Rand, Douglas B <[Redacted]>; Collins, Gregory A <[Redacted]>

<[Redacted]>; Kilbane, John R <[Redacted]>

**Cc:** Orise, Sharon R <[Redacted]>

**Subject:** RE: Known Employer Overview and Discussion

Good morning Doug,

Responses are below. We would like to emphasize [Redacted]

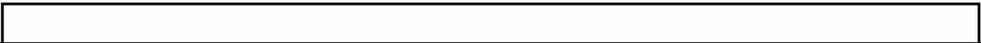
[Redacted]

(b)(5)

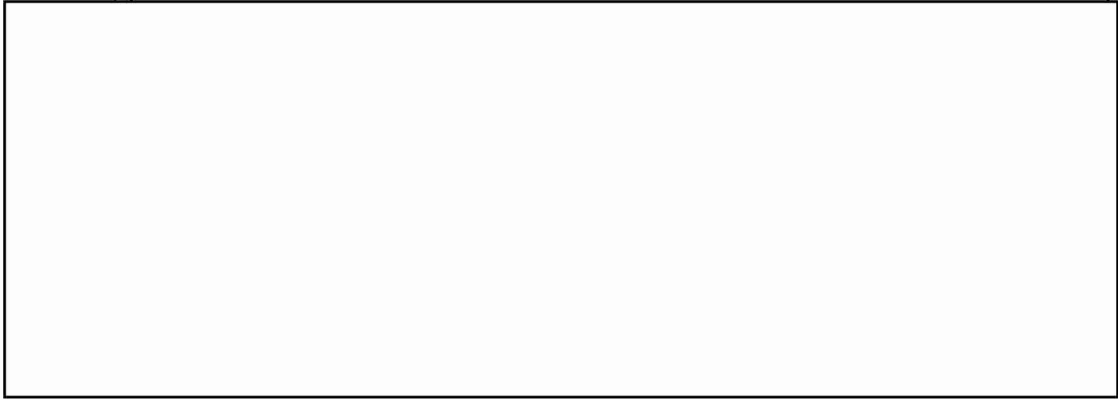


2)

Let's say

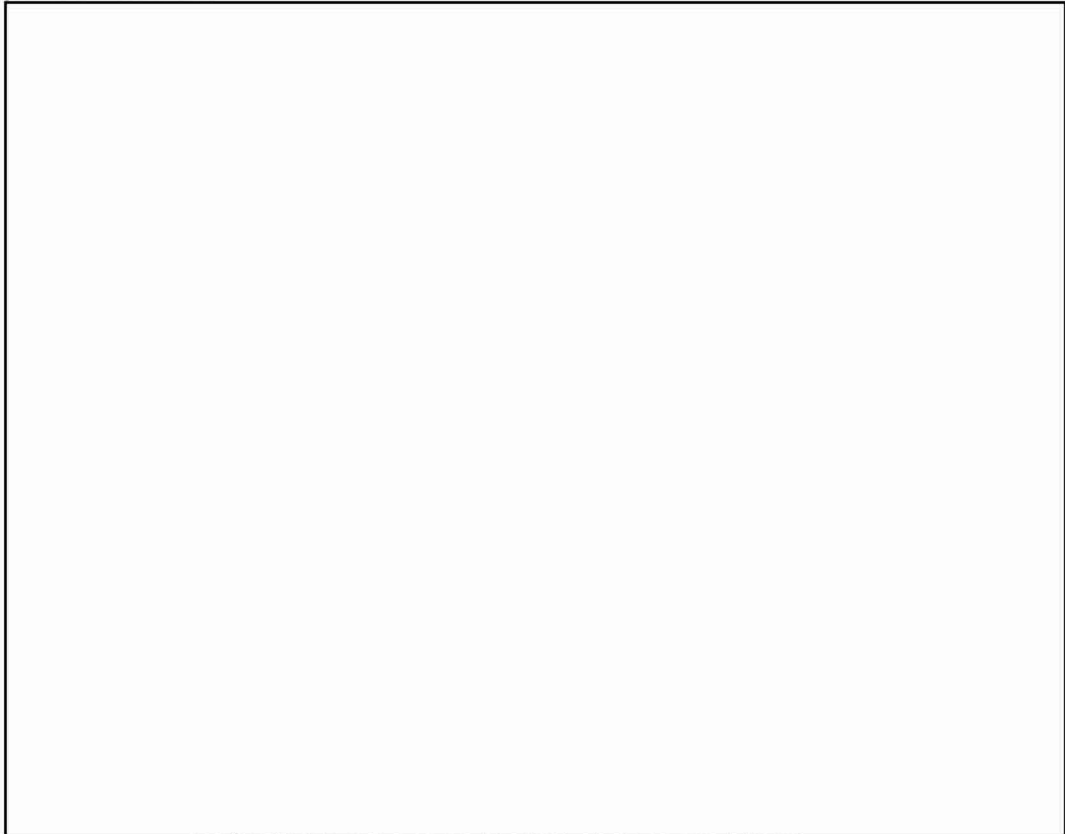


(b)(5)

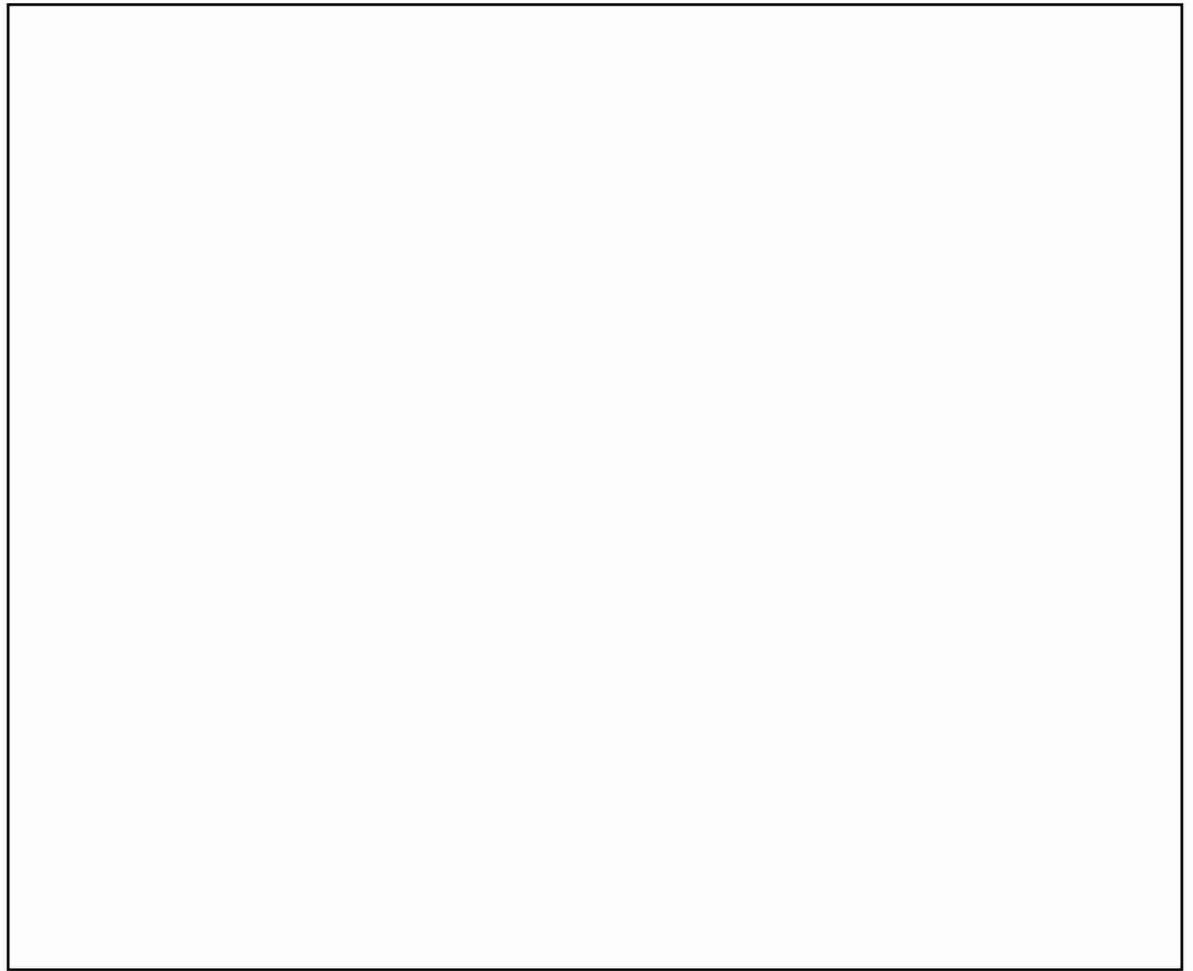


**Operational Issues**

(b)(5)



(b)(5)



**Technical Challenges**

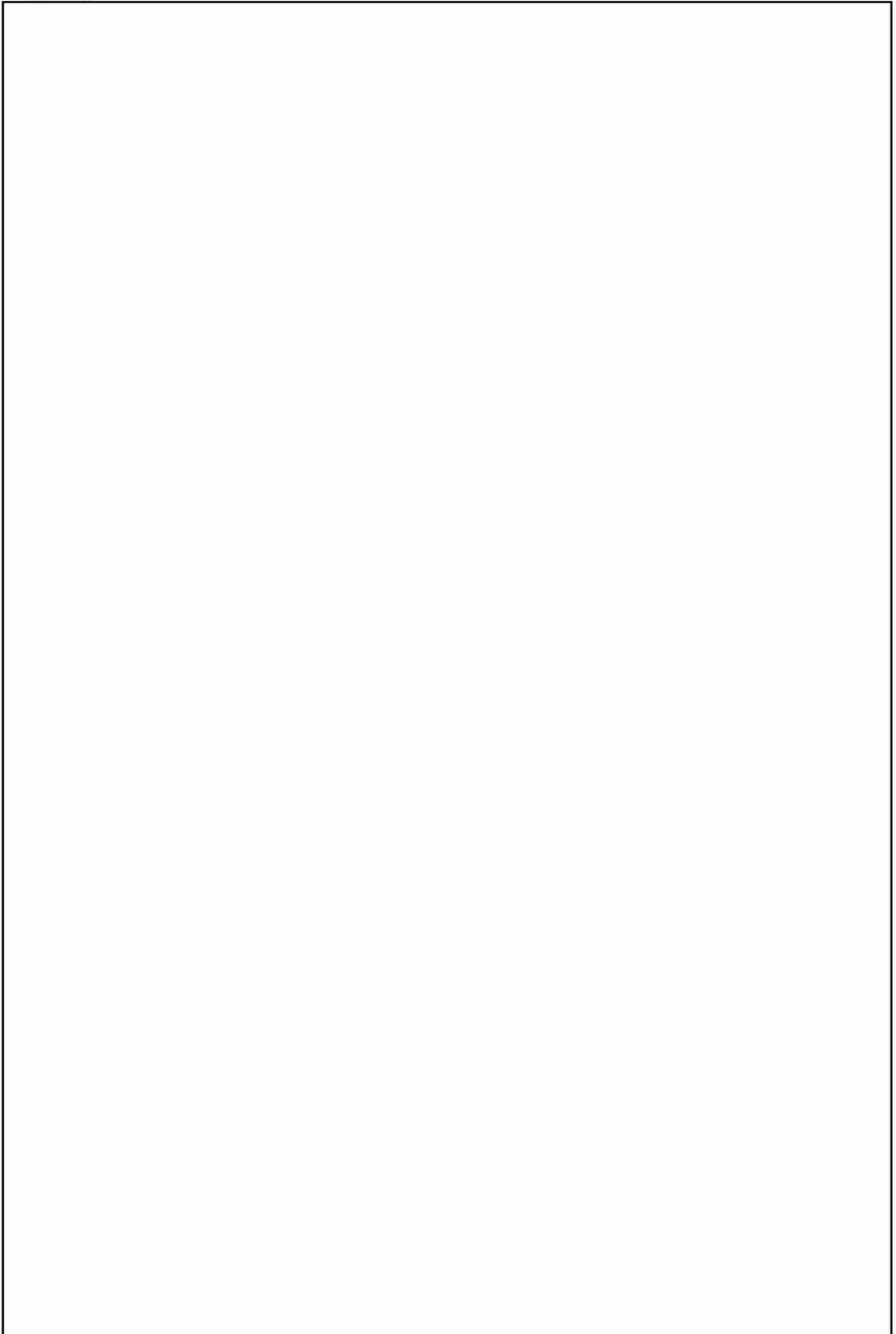
(b)(5)



processing.

**Lessons**

(b)(5)



(b)(5)

[Redacted]

Please let us know if you have any additional questions.

Thank you,

-Mike

Mike Fortes  
USCIS Service Center Operations  
Employment Branch Chief: EPIC  
Cell: [Redacted]

(b)(6)

---

**From:** Rand, Douglas B <[Redacted]>  
**Sent:** Monday, September 27, 2021 9:11 PM  
**To:** Fortes, Michael J <[Redacted]>; Collins, Gregory A  
<[Redacted]>; Kilbane, John R <[Redacted]>  
**Cc:** Orise, Sharon R <[Redacted]>  
**Subject:** RE: Known Employer Overview and Discussion

(b)(6)

Thanks in advance!

---

**From:** Fortes, Michael J <[Redacted]>  
**Sent:** Monday, September 27, 2021 2:45 PM  
**To:** Rand, Douglas B <[Redacted]>; Collins, Gregory A  
<[Redacted]>; Kilbane, John R <[Redacted]>  
**Cc:** Orise, Sharon R <[Redacted]>  
**Subject:** RE: Known Employer Overview and Discussion

(b)(6)

Hi Doug,

We're clearing the responses, we hope to have them for you soon.

Thank you,

-Mike

Mike Fortes

(b)(6) USCIS Service Center Operations  
Employment Branch Chief: EPIC  
Cell: [redacted]

---

**From:** Rand, Douglas B <[redacted]>  
**Sent:** Tuesday, September 21, 2021 4:21 PM  
**To:** Fortes, Michael J <[redacted]> Collins, Gregory A  
<[redacted]>; Kilbane, John R <[redacted]>  
**Cc:** Orise, Sharon R <[redacted]>  
**Subject:** RE: Known Employer Overview and Discussion

(b)(6)

Dear Michael, Gregory, and John,

Many thanks for a very helpful briefing yesterday on the Known Employer pilot.

I have a few follow-up questions:

(b)(5)

[redacted]

Thanks again,  
Doug

Doug Rand  
Senior Advisor to the Director  
U.S. Citizenship and Immigration Services (USCIS)

(b)(6)

[redacted]

**From:** [Lin, Peggy P](#)  
**To:** [Nakajima, Simon T](#); [Merson, Gary](#)  
**Cc:** [Buono, Paul M](#); [Nimick, Charles L \(Locky\)](#); [Buten, Elizabeth C](#); [Leal, Jessica](#); [Sturgeon, Jennifer L \(Jen\)](#)  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19  
**Date:** Thursday, October 7, 2021 2:27:43 PM

---

Thanks Simon! This will be interesting!

Peggy Lin  
Policy Analyst, Office of Policy & Strategy (BFWD)  
U.S. Citizenship and Immigration Services

(b)(6)

Cell: [redacted]

---

**From:** Nakajima, Simon T <[redacted]>  
**Sent:** Thursday, October 07, 2021 2:09 PM  
**To:** Lin, Peggy P <[redacted]>; Merson, Gary <[redacted]>  
**Cc:** Buono, Paul M <[redacted]>; Nimick, Charles L (Locky) <[redacted]>;  
<[redacted]>; Buten, Elizabeth C <[redacted]>; Leal, Jessica <[redacted]>;  
<[redacted]>; Sturgeon, Jennifer L (Jen) <[redacted]>  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

(b)(6)

Hi Peggy,

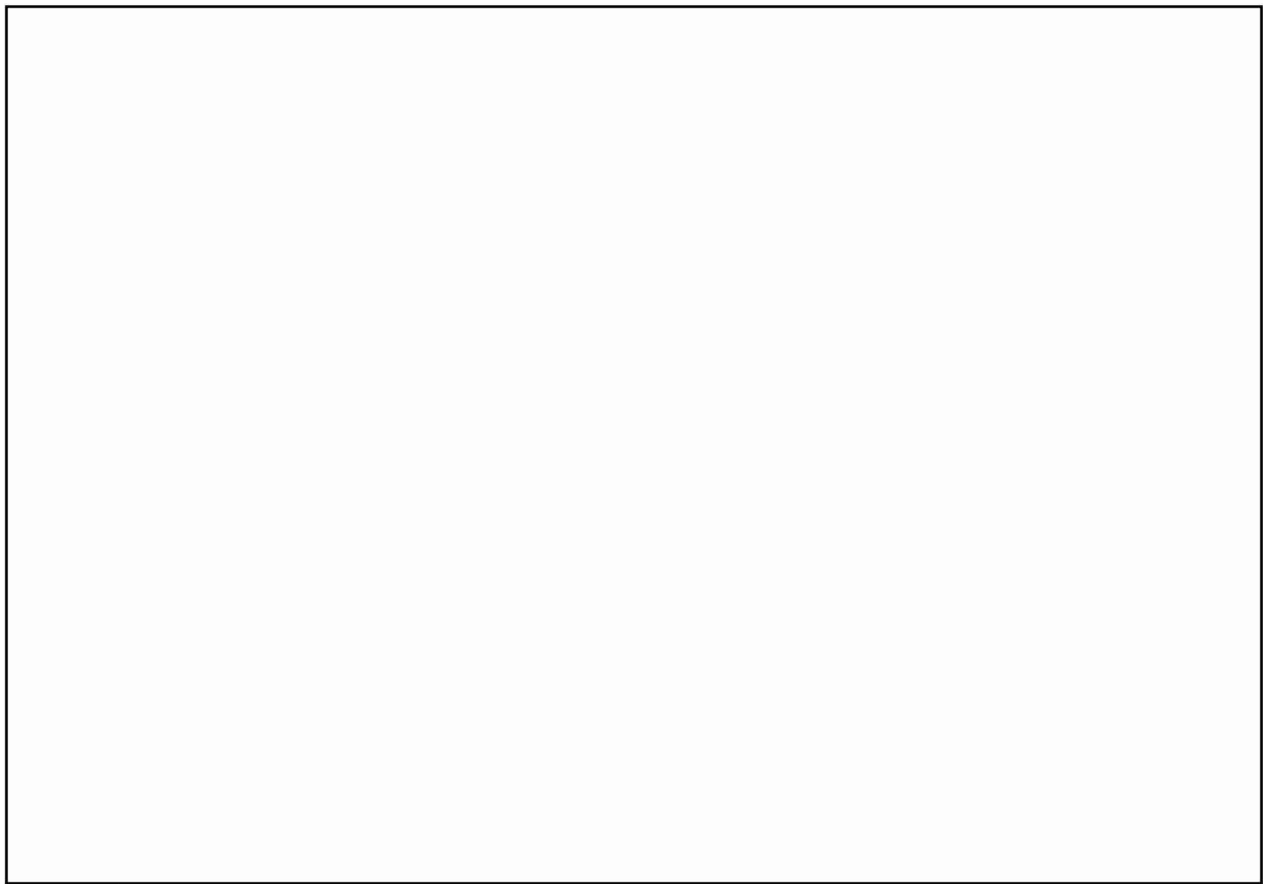
Sorry it took so long to get back to you about this but I had to track down the answer to your question.

So, as you know, [redacted]

(b)(5)

[Large redacted area]

(b)(5)



I'll go ahead and get started on drafting the reg text for the WG to go over.

Thanks,  
Simon

---

**From:** Lin, Peggy P <[redacted]>  
**Sent:** Thursday, September 23, 2021 2:23 PM  
**To:** NAKAJIMA, SIMON <[redacted]>; Merson, Gary <[redacted]>  
**Cc:** Buono, Paul M <[redacted]>; Nimick, Charles L (Locky) <[redacted]>;  
[redacted]; Buten, Elizabeth C <[redacted]>; Leal, Jessica <[redacted]>;  
[redacted]; Sturgeon, Jennifer L (Jen) <[redacted]>  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

(b)(6)

Hi Simon and Gary,  
In the H-1B Modernization NPRM, you could give us a more detailed explanation of the [redacted]

(b)(5)





(b)(5)

[Redacted]

Thank you!

(b)(6) Peggy Lin  
Policy Analyst, Office of Policy & Strategy (BFW)  
U.S. Citizenship and Immigration Services  
Cell: [Redacted]

(b)(6) **From:** NAKAJIMA, SIMON <[Redacted]>  
**Sent:** Thursday, August 19, 2021 8:48 AM  
**To:** Merson, Gary <[Redacted]>; Smith, Mirna <[Redacted]>; Lin, Peggy P <[Redacted]>; Buono, Paul M <[Redacted]>; Nimick, Charles L (Locky) <[Redacted]>  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

(b)(5) Just to clarify, Gary you're thinking [Redacted]  
[Redacted]

(b)(6) **From:** Merson, Gary <[Redacted]>  
**Sent:** Thursday, August 19, 2021 8:44 AM  
**To:** Smith, Mirna <[Redacted]>; Lin, Peggy P <[Redacted]>; Buono, Paul M <[Redacted]>; Nimick, Charles L (Locky) <[Redacted]>  
**Cc:** NAKAJIMA, SIMON <[Redacted]>  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

(b)(5) [Redacted]

Thanks!

Gary N. Merson  
Office of Strategy, Policy, and Plans

U.S. Department of Homeland Security

(b)(6)

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**From:** Smith, Mirna <[redacted]>  
**Sent:** Thursday, August 19, 2021 8:41 AM  
**To:** Merson, Gary <[redacted]>; Lin, Peggy P <[redacted]> Buono, Paul M <[redacted]>; Nimick, Charles L (Locky) <[redacted]>  
**Cc:** NAKAJIMA, SIMON <[redacted]>  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

Perfect, thank you Gary!

(b)(5)

Also, I wanted to double check on th [redacted]  
[redacted]  
[redacted] Does that sound right?

Thanks,  
Mirna

(b)(6)

Mirna Smith  
[redacted]

---

**From:** Merson, Gary <[redacted]>  
**Sent:** Thursday, August 19, 2021 8:39 AM  
**To:** Smith, Mirna <[redacted]>; Lin, Peggy P <[redacted]> Buono, Paul M <[redacted]>; Nimick, Charles L (Locky) <[redacted]>  
**Cc:** NAKAJIMA, SIMON <[redacted]>  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

Thank you, Mirna! Hope to have something for you by middle next week.

Gary N. Merson  
Office of Strategy, Policy, and Plans  
U.S. Department of Homeland Security

(b)(6)

---

**From:** Smith, Mirna <[redacted]>  
**Sent:** Thursday, August 19, 2021 8:37 AM  
**To:** Merson, Gary <[redacted]>; Lin, Peggy P <[redacted]> Buono, Paul M <[redacted]>; Nimick, Charles L (Locky) <[redacted]>  
**Cc:** NAKAJIMA, SIMON <[redacted]>  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

Hi Gary,

I'm happy to hold off on these updates until you socialize with the OPS leadership. Although deadline for UA agenda entries to DHS is 8/24, I'm sure we can request OGC to make tweaks on behalf of us after that.

Thanks,  
Mirna

(b)(6) Mirna Smith  
[Redacted]

---

**From:** Merson, Gary <[Redacted]>  
**Sent:** Thursday, August 19, 2021 8:28 AM  
**To:** Lin, Peggy P <[Redacted]>; Smith, Mirna <[Redacted]> Buono, Paul M <[Redacted]>; Nimick, Charles L (Locky) <[Redacted]>  
**Cc:** NAKAJIMA, SIMON <[Redacted]>  
**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

(b)(6)

Good morning. I am fine with the text as edited by Peggy. But, as I mentioned, [Redacted]

(b)(5)

[Large Redacted Block]

(b)(5)

[Redacted]

[Redacted]

Thanks.

Gary N. Merson  
Office of Strategy, Policy, and Plans  
U.S. Department of Homeland Security

---

**From:** Lin, Peggy P <[Redacted]>

**Sent:** Thursday, August 19, 2021 8:05 AM

(b)(6)

**To:** Smith, Mirna <[Redacted]>; Buono, Paul M <[Redacted]>;

Nimick, Charles L (Locky) <[Redacted]>; Merson, Gary

[Redacted]

**Subject:** RE: Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

Hi Mirna,

(b)(5)

I made some initial edits but will defer to Gary to provide you the finalized edits. I believe he's made additional changes at the DHS PLCY level. Also, I think the [Redacted]

[Redacted] but again defer to Gary on that.

Thanks!

(b)(6)

Peggy Lin  
Policy Analyst, Office of Policy & Strategy (BFWD)  
U.S. Citizenship and Immigration Services  
Cell: [Redacted]

---

**From:** Smith, Mirna <[Redacted]>

**Sent:** Wednesday, August 18, 2021 5:28 PM

(b)(6)

**To:** Lin, Peggy P <[Redacted]>; Buono, Paul M <[Redacted]>;

Nimick, Charles L (Locky) <[Redacted]> Merson, Gary

[Redacted]

**Subject:** Unified Agenda Entry: H-1B Modernization NPRM - due COB 8/19

Good Afternoon,

Hope everyone is doing well!! It is the unified agenda time again and I need your help reviewing the H-1B Modernization NPRM entry. Could you please let me know if there are any edits to:

(b)(5)

a. Abstract,

b. Timetable – current NPRM [Redacted] I think we need to push out the date

(b)(5)

a bit –

c. any other fields that you think we need to update.

Could you please get me your edits NLT than COB tomorrow, 8/19?

Thank you in advance!

Mirna

**Mirna Smith**

Project Manager, Regulatory Management Branch

Office of Policy & Strategy

U.S. Citizenship and Immigration Services

Cell

(b)(6)

**From:** Elder, Phillip D  
**To:** Fortes, Michael J; Allsteadt, Edward; Duchek, Elizabeth F (Liz); Bailey, Morgan; King, Alexander R; Aucoin, Lauren J; Hardy, Amanda L; Buchan, Lesley L; Rodriguez, Sarah; Agard, Natasha I; Collins, Gregory A  
**Cc:** Choi, Heesun S (Sunny); Bernstein, Lauren J  
**Subject:** RE: Known Employer Pilot.  
**Date:** Thursday, March 5, 2020 4:02:00 PM

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Copying Lauren Bernstein who will be covering KE in my place and Sunny the main ALD SME. I have to devote my time to the fee rule.

**From:** Fortes, Michael J <[redacted]>  
**Sent:** Thursday, March 5, 2020 3:11 PM  
**To:** Allsteadt, Edward <[redacted]>; Duchek, Elizabeth F (Liz) <[redacted]>; Bailey, Morgan <[redacted]>; King, <[redacted]>; Aucoin, Lauren J <[redacted]>; Hardy, Amanda L <[redacted]>; Buchan, Lesley L <[redacted]>; Rodriguez, Sarah <[redacted]>; Agard, Natasha I <[redacted]>; Collins, Gregory A <[redacted]>; Elder, Phillip D <[redacted]>  
**Subject:** RE: Known Employer Pilot.

(b)(6)

Hello Ed,

(b)(5)

We last left off with OCC weighing in that SCOPS [redacted] I believe that Liz was going to discuss with Phillip for additional information. Have there been any changes? [redacted]

Thank you,

-Mike

Mike Fortes  
SCOPS Acting Adjudications Division Chief  
Off [redacted]  
Cel [redacted]

(b)(6)

**From:** Allsteadt, Edward <[redacted]>  
**Sent:** Thursday, March 5, 2020 4:01 PM  
**To:** Duchek, Elizabeth F (Liz) <[redacted]>; Fortes, Michael J <[redacted]>; Bailey, Morgan <[redacted]>; King, Alexander R <[redacted]>; Aucoin, Lauren J <[redacted]>; Hardy, Amanda L <[redacted]>; Buchan, Lesley L <[redacted]>; Rodriguez, Sarah <[redacted]>; Agard, Natasha I <[redacted]>; Monica, Donald J <[redacted]>; Collins, <[redacted]>

(b)(6)

(b)(6) Gregory A [redacted]; Elder, Phillip D [redacted];  
Kilbane, John R [redacted]  
**Subject:** RE: Known Employer Pilot.

Good afternoon everyone,

I'll be the Director's Office POC on the Known Employer Pilot to give Liz some room for other projects. Could I get an update on the questions at the bottom of the string:

(b)(5) EXA: We will need a [redacted] by COB  
Wednesday Jan 22. (For now, just focu [redacted]  
[redacted]

SCOPS/OP&S: We need [redacted]

(b)(5) [redacted]  
[redacted] en let's find time to sit down next week and discuss a framework for the  
Feel free to give me a call if anyone has questions.

(b)(5) [redacted]

Thanks,

Ed

Edward Allsteadt  
Advisor, Office of the Director  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security

(b)(6) (d) [redacted]  
(c) [redacted]

**From:** Fortes, Michael J  
**To:** Duchek, Elizabeth F (Liz); Bailey, Morgan; King, Alexander R; Aucoin, Lauren J; Hardy, Amanda L; Buchan, Lesley L; Rodriguez, Sarah; Agard, Natasha I; Monica, Donald J; Collins, Gregory A; Allsteadt, Edward; Elder, Phillip D; Kilbane, John R  
**Subject:** RE: Known Employer Pilot.  
**Date:** Wednesday, January 15, 2020 7:29:06 PM

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(b)(5) Sounds good; [redacted]

Thank you,

-Mike

Mike Fortes  
Service Center Operations  
Branch Chief: EPIC Employment Branch

(b)(6) Office: [redacted]  
Cell: [redacted]

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**From:** Duchek, Elizabeth F (Liz) <[redacted]>  
**Sent:** Wednesday, January 15, 2020 4:56 PM  
**To:** Fortes, Michael J <[redacted]>; Bailey, Morgan <[redacted]>; King, Alexander R <[redacted]>; Aucoin, Lauren J <[redacted]>; Hardy, Amanda L <[redacted]>; Buchan, Lesley L <[redacted]>; Rodriguez, Sarah <[redacted]>; Agard, Natasha I <[redacted]>; Monica, Donald J <[redacted]>; Collins, Gregory A <[redacted]>; Allsteadt, [redacted]; Elder, Phillip D <[redacted]>; Kilbane, John R <[redacted]>  
**Subject:** RE: Known Employer Pilot.

(b)(6) [redacted]

(b)(5) Thanks for clarifying, Mike. Yes, [redacted].  
[redacted] Of course we will need SCOPS's input so that we set this up in a way that is workable for you.

**Elizabeth Frei Duchek**  
**Advisor – Office of the Director**  
**U.S. Citizenship and Immigration Services**

(b)(6) (O) [redacted]  
(M) [redacted]

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(b)(6) **From:** Fortes, Michael J <[redacted]>  
**Sent:** Wednesday, January 15, 2020 3:44 PM  
**To:** Duchek, Elizabeth F (Liz) <[redacted]>; Bailey, Morgan <[redacted]>



(b)(6)

[redacted]; King, Alexander R [redacted]; Aucoin,  
Lauren J [redacted]; Hardy, Amanda L [redacted];  
Buchan, Lesley [redacted]; Rodriguez, Sarah  
[redacted]; Agard, Natasha I [redacted]; Monica,  
Donald J [redacted]; Collins, Gregory A [redacted];  
Allsteadt, Edward [redacted]; Elder, Phillip D  
[redacted]; Kilbane, John R [redacted]  
**Subject:** RE: Known Employer Pilot.

Hello Liz,

This attached version is more recent. There are [redacted]

(b)(5)

[redacted]

[redacted] I don't believe that  
public engagement has taken action yet.

Thank you,

-Mike

Mike Fortes  
Service Center Operations  
Branch Chief: EPIC Employment Branch  
Office: [redacted]  
Cell: [redacted]

(b)(6)

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**From:** Duchek, Elizabeth F (Liz) [redacted]  
**Sent:** Wednesday, January 15, 2020 3:18 PM  
**To:** Fortes, Michael J [redacted]; Bailey, Morgan  
[redacted]; King, Alexander R [redacted]; Aucoin,  
Lauren J [redacted]; Hardy, Amanda L [redacted];  
(b)(6) Buchan, Lesley L [redacted]; Rodriguez, Sarah  
[redacted]; Agard, Natasha I [redacted]; Monica,  
Donald J [redacted]; Collins, Gregory A [redacted];  
Allsteadt, Edward [redacted]; Elder, Phillip D  
[redacted]; Kilbane, John R [redacted]  
**Subject:** RE: Known Employer Pilot.

(b)(5)

Thanks for flagging Mike. I thought [redacted] but please let me know if my information is out of date. [redacted]

**Elizabeth Frei Duchek**  
**Advisor – Office of the Director**  
**U.S. Citizenship and Immigration Services**

(b)(6)

(O) [redacted]  
(M) [redacted]

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**From:** Fortes, Michael J <[redacted]>  
**Sent:** Wednesday, January 15, 2020 3:06 PM  
**To:** Duchek, Elizabeth F (Liz) <[redacted]>; Bailey, Morgan <[redacted]>; King, Alexander R <[redacted]>; Aucoin, Lauren J <[redacted]>; Hardy, Amanda L <[redacted]>; Buchan, Lesley L <[redacted]>; Rodriguez, Sarah <[redacted]>; Agard, Natasha I <[redacted]>; Monica, Donald J <[redacted]>; Collins, Gregory A <[redacted]>; Allsteadt, Edward <[redacted]>; Elder, Phillip D <[redacted]>; Kilbane, John R <[redacted]>  
**Subject:** RE: Known Employer Pilot.

(b)(6)

Hello Liz,

Adding Philip Elder from OCC, who has advised on the pilot, particularly on PRA matters.

(b)(5)

I just want to [redacted]

[Large redacted block]

Thank you,

-Mike

(b)(6)

Mike Fortes  
Service Center Operations  
Branch Chief: EPIC Employment Branch  
Office: [redacted]  
Cell: [redacted]

(b)(6)

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**From:** Duchek, Elizabeth F (Liz) [redacted]  
**Sent:** Wednesday, January 15, 2020 11:40 AM  
**To:** Bailey, Morgan [redacted]; King, Alexander R  
[redacted]; Aucoin, Lauren J [redacted]; Hardy,  
Amanda L [redacted]; Buchan, Lesley L [redacted]  
Rodriguez, Sarah [redacted]; Agard, Natasha I  
[redacted]; Fortes, Michael J [redacted]; Monica,  
Donald J [redacted]; Collins, Gregory A [redacted]  
Allsteadt, Edward [redacted]  
**Subject:** Known Employer Pilot.

Hi everyone –

Thanks for your time yesterday to discuss the Known Employer Pilot.

(b)(5)

After our meeting, I realized I misspoke during our meeting, [redacted]  
[redacted]

(b)(5)

EXA: We will [redacted] by COB  
Wednesday Jan 22. [redacted]  
[redacted]

(b)(5)

SCOPS/OP&S: We need [redacted]  
[redacted]  
[redacted] Feel free to give me a call if anyone has questions.

Thanks,  
-Liz

**Elizabeth Frei Duchek**  
**Advisor – Office of the Director**

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

(b)(6)

(O)

(M)

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**From:** Doumani, Stephanie M  
**To:** Elder, Phillip D; Choi, Heesun S (Sunny); Wittman, Gregory J (Greg)  
**Cc:** Nolan, Connie L; Simpson, Erica L; Fortes, Michael J; Orise, Sharon R; Cox, Robert H  
**Subject:** RE: AS-021502: FY22 Congressional Appropriations Reporting Requirements  
**Date:** Friday, April 15, 2022 3:05:14 PM

I understand and figured it was long shot. We're working on putting something together that

(b)(5)

Hopefully that'll suffice. I appreciate OCC's weigh in.

-Stephanie

**From:** Elder, Phillip D <Phillip.D.Elder@uscis.dhs.gov>

**Sent:** Friday, April 15, 2022 4:00 PM

**To:** Choi, Heesun S (Sunny) <[redacted]>; Doumani, Stephanie M

<[redacted]> Wittman, Gregory J (Greg)

(b)(6)

**Cc:** Nolan, Connie L <[redacted]>; Simpson, Erica L

<[redacted]>; Fortes, Michael J <[redacted]>; Orise, Sharon

R <[redacted]>; Cox, Robert H <[redacted]>

**Subject:** RE: AS-021502: FY22 Congressional Appropriations Reporting Requirements

(b)(5)

In advance or after it was over. <[redacted]>

<[redacted]>

**From:** Choi, Heesun S (Sunny) <[redacted]>

(b)(6)

**Sent:** Friday, April 15, 2022 12:49 PM

**To:** Elder, Phillip D <[redacted]>; Doumani, Stephanie M

<[redacted]>; Wittman, Gregory J (Greg)

(b)(6)

**Cc:** Nolan, Connie L <[redacted]>; Simpson, Erica L

<[redacted]>; Fortes, Michael J <[redacted]>; Orise, Sharon

R <[redacted]>; Cox, Robert H <[redacted]>

(b)(6)

**Subject:** RE: AS-021502: FY22 Congressional Appropriations Reporting Requirements

Stephanie – to the best of my recollection, I don't recall that we did a cost savings analysis in advance of the KE Pilot.

Thanks,  
Sunny

**From:** Elder, Phillip D <[redacted]>

**Sent:** Friday, April 15, 2022 1:41 PM

(b)(6)

(b)(6)

**To:** Doumani, Stephanie M [redacted]; Choi, Heesun S (Sunny)  
 [redacted] >; Wittman, Gregory J (Greg) [redacted] >  
**Cc:** Nolan, Connie L [redacted] >; Simpson, Erica L  
 [redacted] >; Fortes, Michael [redacted] Orise, Sharon  
 [redacted] >; Cox, Robert H [redacted]  
**Subject:** RE: AS-021502: FY22 Congressional Appropriations Reporting Requirements

(b)(6)

Stephanie,  
 I have nothing of substance that would help you on this request.  
 Thanks,  
 Phillip

**From:** Doumani, Stephanie M [redacted] (b)(6)  
**Sent:** Friday, April 15, 2022 11:35 AM  
**To:** Choi, Heesun S (Sunny) [redacted]; Elder, Phillip D  
 [redacted] >; Wittman, Gregory J (Greg) [redacted] >  
**Cc:** Nolan, Connie L [redacted] Simpson, Erica L  
 [redacted] Fortes, Michael J [redacted] >; Orise, Sharon  
 [redacted] >  
**Subject:** FW: AS-021502: FY22 Congressional Appropriations Reporting Requirements  
**Importance:** High

Hi Folks,

Hoping you can assist with an ask we received from the OCFO's office related to a reporting requirement for congress.

Does OCC or OIT happen to have a cost savings analysis (or any financial analysis) that was put together before rolling out the Known Employer Pilot.

We at SCOPS don't have anything on hand, aside from following, which we pulled from our concept paper. It doesn't get into any savings - just essentially points out the agency wouldn't take on any additional costs.

Any assistance would be greatly appreciated!

**Costs of Adjudication:**

USCIS costs of adjudication for the pilot would be covered by the normal processing fees, to include:

- Form – XXX                      No fee for pilot
- Form I-129                        \$325 fee
- Form I-907                        \$1225 Premium Processing fee optional for beneficiary
- Form I-140                        \$580 fee
- Fraud Fee                         \$500
- Border Security Fee for L1    \$2250

Border Security Fee for H1B \$2000

If the pilot program ultimately were to become a permanent program, participating employers would be required to submit fees for the new Form-XXX, according to the time and fee study, to become a Known Employer, to USCIS.

Thanks,  
Stephanie

\*\*\*\*\*  
\*\*\*\*\*

**Original ask from OCFO:**

**Reporting Requirement 3:** The FY22 Omnibus has requested that *“Within 60 days of the date of enactment of this Act, USCIS shall provide a report to the Committee on the operation of the pilot program from 2016 to 2020 for the Trusted Employer Program, including information regarding any cost savings to the agency, cost savings to petitioners, and operational and security benefits to the agency.”*

**OP&S** – Please provide your report on the operation of the pilot program from 2016 to 2020 for the Trusted Employer Program that was discussed in detail and with urgency during our Reporting Requirements meeting on Monday, April 4<sup>th</sup>. This requirement is due in STARS by COB April 11th.

**SCOPS, OCFO**- As the supporting DPO, please respond to OP&S and their request for additional support in completing this requirement.

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**From:** Johnetta Drake <[redacted]> (b)(6)  
**Sent:** Friday, April 8, 2022 12:11 PM  
**To:** Parsons, Tracey E <[redacted]>  
**Subject:** AS-021502: FY22 Congressional Appropriations Reporting Requirements



Please review the details below regarding the Clearance Request that has just been assigned to you.

**Service Item Subject:** FY22 Congressional Appropriations Reporting Requirements

**Due Date:** 4/11/2022 5:00 PM

**Instructions:** FOD;MGT;OCFO;OP&S;OPQ;RAIO;SCOPS: As a follow on to the April 4th meeting "FY22 Enacted Budget and Reporting Details" please complete the attached reporting requirements based on the provided instructions. There are FOUR reporting requirements in all, please pay close attention to the instructions to determine which requirements require your input. Questions can be directed to the POCs at the bottom of the instruction document

**Service Item Description:** As a follow on to the April 4th meeting "FY22 Enacted Budget and Reporting Details" please complete the attached reporting requirements based on the provided instructions. There are FOUR reporting requirements in all, please pay close attention to the instructions to determine which requirements require your input. Questions can be directed to the POCs at the bottom of the instruction document.

**Assignment Number:** AS-021502

**EXSO Service Item:** 00049139

Link:

(b)(6)