



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

March 11, 2020

Memorandum

TO: Front Office

FROM: SCOPS

SUBJECT: Known Employer Pilot Sunset

The U.S. Department of Homeland Security (DHS) created the Known Employer (KE) pilot to streamline the process for employers seeking to hire certain workers through nonimmigrant and immigrant visa classifications. The goals of the pilot were to reduce the amount of paperwork filed by employers and retained by USCIS, promote consistency in adjudications between the service centers, and to provide connectivity with agency partners. In 2016, the KE pilot was launched for one year, and has been extended several times; the pilot is currently scheduled to run through May 31, 2020.

The agency's shift to electronic processing will provide electronic systems with capabilities that are greater than the pilot's and which either meet or exceed many of the goals initially set for the KE pilot. In light of this, there is little need to continue the current Known Employer pilot when the pilot's goals can be folded into the existing 2020 Service Design Initiative.

SCOPS is therefore recommending that the agency continue the pilot through December 31, 2020 in order to allow sufficient time for notification and decommissioning processes to be completed. To that end, SCOPS recommends that the following steps to phase out the Known Employer program.

Public Messaging:

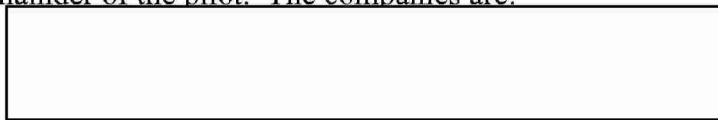
- Webpage update:
 - USCIS will provide a notification indicating that the pilot extension through December 31, 2020, will be the final one.
 - The webpage will re-emphasize that participation in the pilot is by invitation only.
- Letters will be issued to participants notifying them of the sunset of the program, slated for December 31, 2020 and explaining that their participation will continue through that date.

- SCOPS will conduct exit interviews with the petitioners, to gain their insights about what was effective, what could have been improved, and what they might wish to see in an electronic environment.

New Participants:

- SCOPS notes that it may take several months before new invitees can participate because the pre-determination process can take a few months to conclude. Adding additional participants at this time will have minimal value with a December 31, 2020 pilot end date.
- SCOPS has identified several companies that may be invited to participate for the remainder of the pilot. The companies are:

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- Companies must of course be interested in and willing to participate in the pilot, which is not guaranteed.
- Companies will be notified that if they are interested, their participation in the pilot will be limited by the likely final extension.

Operational Plan:

- Provide messaging to the service centers and the IT team indicating that the pilot will be terminating, and discuss the decommissioning process.
- Decommission the KEDL website, in keeping with applicable retention requirements.

Known Employer Pilot Program Overview

Background

General Information

- USCIS created the Known Employer (“KE”) pilot in order to assess the effectiveness of a streamlined processing for certain immigrant and nonimmigrant employment-based visa petitions.
- 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 at U.S. Customs and Border Protection (CBP) and U.S. Department of State (DOS), leading to greater efficiency and consistency at ports of entry and consular posts.
- The pilot was launched on March 3, 2016, with the original duration of one year.
- Following the initial run, the pilot was initially extended through December 31, 2017 and more recently through May 31, 2020.
- The Known Employer program utilizes the web-based Known Employer Document Library (KEDL) to allow participating employers to upload supporting documents and eliminates traditional paper-based filing of certain “predetermination” requests.
- USCIS reviews the uploaded documentation and predetermines whether a prospective employer has satisfied certain eligibility requirements for the select visa classifications.
- The pilot encompasses the following visa classifications:

Nonimmigrant Visa Classifications (Form I-129)	Immigrant Visa Classifications (Forms I-140, I-360)
H-1B, L-1A, L-1B, R-1, TN	E12, E13, E21, E31, E32, SD-1, SR-1

- The participating employers may request predeterminations of the following petitioner requirements by uploading Form I-950, Application for Predeterminations Under the Known Employer Program:
 - E13 Qualifying Relationship, Multinational and Doing Business
 - E12 Private Employer Requirements
 - E12, E13, E21, E31, and E32 Ability to Pay
 - R-1, SD-1, and SR-1 Tax-Exempt Status
 - R-1, SD-1, and SR-1 Salaried or Non-Salaried Compensation
 - R-1 Self-Supporting
 - R-1, SD-1, and SR-1 Religious Organization Documents Uploaded
 - L-1 Qualifying Relationship and Doing Business
 - H-1B Cap Exempt
 - H-1B ACWIA Fee Exempt

The Pilot Application Process



- In order to start the predetermination process, employers create a profile in the KEDL, and upload Form I-950 and all supporting documentation related to the predetermination requests.
- USCIS officers from the KE adjudicative teams at each of the four participating Service Centers review the documents and determine whether the employer has satisfied the requirements for each predetermination requested.
 - Known Employer adjudication teams are present at the four USCIS Service Centers that are currently processing Forms I-129, I-140, and I-360.
 - If one of the teams evaluating the predetermination disagrees on a decision, SCOPS will be conferred with to resolve the disagreement. Teleconferences are held with all of the Known Employer teams as needed to discuss and resolve adjudication issues as well as provide pilot updates.
- If the submitted documentation fails to meet the requirements for one or all of the requested predeterminations, the KE teams may request additional evidence (RFE) by uploading the request into KEDL, where the employer can view and upload the subsequent response for USCIS.
- RFEs, approval notices and denial notices, as well as adjudicated copies of the I-950, are uploaded to the employer's Notice Dashboard. Approval notices indicate the predeterminations which have been approved, as well as the validity period of those approved predeterminations.
- If USCIS approves the employer's predetermination request, the employer may then file Form I-129, I-140, and I-360 petitions for individual employees without needing to resubmit evidence with respect to any approved predeterminations.
- When reviewing the petitions submitted under the KE pilot, ISOs will give deference to the predetermination decisions.

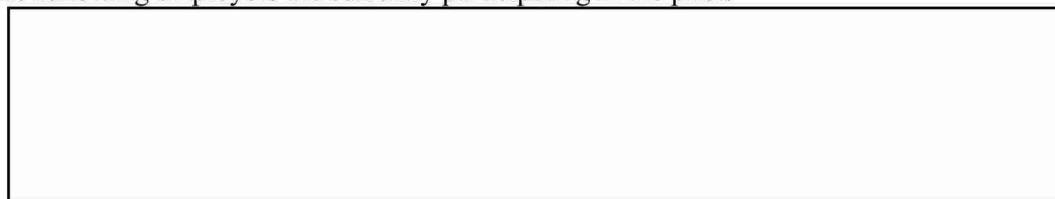
The Pilot Employer Selection Process

- For the initial employer participants in the pilot, DHS, USCIS, CBP, and DOS worked together to select participants based on FY14 filing data by petitioner for the E-12, E-13, H-1B, L-1, and TN classifications. Invitations were then sent to the selected employers.
- The goal of this process was to select a group of participants balanced in size, industry and location, while also looking for employers with multiple filings across the classifications incorporated into the pilot. The selection team also considered different industries and locations to ensure that the pilot consisted of a diverse group of participants.
- USCIS conducted vetting of each business, which included verification of enrollment and participation in E-Verify.
- Several companies contacted the agency after the beginning of the pilot was officially announced, asking to participate in the pilot. USCIS reviewed the list of interested companies when determining selections for the third round of program participation, and conducted a vetting process similar to that done in the first two rounds of invitations.

Current Status

- The following employers are currently participating in the pilot:

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- At the present time there are four openings in the Known Employer Pilot, one of which is reserved at the discretion of the director.



- In May, 2018, USCIS expanded the Known Employer program to include predeterminations related to religious worker classifications. As part of this program expansion, USCIS has invited the [REDACTED] to participate in the program. In December, 2018, [REDACTED] began submitting petitions through the program.
- In August, 2018, USCIS conducted an assessment of the Known Employer program in order to evaluate both program successes and issues.
- In October, 2018, SCOPS began testing an addition to the KE Pilot under the new Known Employer Certification Program. Using publicly available information, such as SEC filings, to make predeterminations on established petitioners, the Known Employer pilot has provided the certification program for eligible KE participants in order to test a simplified predetermination process. This allows SCOPS to test the feasibility of a streamlined version of the KE process for large publicly traded companies using publicly available information.
- (b)(5) • In May, 2019, SCOPS removed [REDACTED] from the program due to inactivity. SCOPS has previously removed [REDACTED] and [REDACTED] from the program due to inactivity. (b)(5)
- In March, 2020, EPIC drafted a memo to OPS to discuss the phase out process for the Known Employer Pilot.

Challenges Beyond the Pilot

Technical Challenges

- KEDL is a stand-alone system that is not integrated with any other USCIS system. This has several consequences:
 - The KE adjudicative teams are required to use manual processes in the drafting of RFEs and notices.
 - The essential communication between the KE adjudicative teams is conducted via email and teleconference, which is inefficient for the anticipated volume and workflows of a permanent program.
 - Obtaining data on filings under KE program has been difficult despite the creation of a CLAIMS HAC code to track them.
 - CBP and DOS experienced problems with accessing the KEDL website that would have to be resolved in a permanent program.
 - Employer participants also noted periods when they were unable to access the KEDL website, and system-generated notification emails proved to be unreliable.

Regulatory Challenges

- In anticipation of the creation of a KE program, coordination within USCIS components is needed to initiate possible changes to existing regulations. Some anticipated regulation changes are:
 - an agency resolution between the current USCIS Deference Policy and the KE's reliance on a predetermination;
 - a defined, regulated initial vetting process, which would contain E-Verify, VIBE and FDNS-DS checks, and provide a minimum number of years in business, or previous filings or a requisite filing volume for participants;
 - the addition of a fee to the Form I-950; and
 - a listing of specific classifications available under the KE program.



Operational Challenges

- The lack of technical integration of the KEDL has created operational difficulties for the program, such as communication between adjudicators, and creation of correspondence that would go out to the applicant. It is anticipated that the KEDL would need to incorporate a workflow management system.
- SCOPS has encountered difficulty in obtaining accurate data on the subsequent filings of I-129s and I-140s under the pilot program.
- Employer filing volume appears to be lower than anticipated, with CLAIMS only reporting a total of 25 KE petitions since 2016. There have also been challenges in tracking KE petitions within USCIS systems.
- A change to Forms I-129, I-140, and I-360 to accommodate the KE program would be needed.

Milestones

Engagements and Pilot Extension

- USCIS conducted several initial engagements with the employer participants on February 9, 2016, March 17, 2016 and November 29, 2016.
- On June 21, 2016, USCIS conducted a follow up teleconference with the employer participants in which several pilot updates were provided, pre-submitted questions were answered and an open Q&A session was held.
- In February, 2017, USCIS conducted interviews with four employers participating in the pilot. Three of the four interviewed employers have been active program participants, while the fourth had abandoned its petition due to changes in its corporate structure.
- Beginning in March 2016, the pilot was scheduled to last for one year. The pilot was subsequently extended to May 31, 2018. On May 17, 2018, USCS elected to continue the pilot for another two-year period through May 31, 2020.

Point of Contact

Prepared by: Gregory Collins, USCIS Service Center Operations, Acting Branch Chief

Email: Phone:

Last updated: 3/13/2020

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From: [Collins, Gregory A](#)
To: [King, Alexander R](#)
Cc: [Fortes, Michael J](#); [Kilbane, John R](#)
Subject: Known Employer - Phase Out Document and Briefing Paper
Date: Monday, May 4, 2020 1:35:00 PM
Attachments: [Memorandum - Known Employer Phase Out.doc](#)
[Briefing Paper - Known Employer.docx](#)

Hi Alex,

Mike had indicated you wanted some background on the current Known Employer program and the proposed shutdown plan. I've attached the Known Employer Phase Out document and the Known Employer Briefing Paper for you.

Thank you,

Gregory Collins / Acting Branch Chief

DHS | USCIS | Service Center Operations | EPIC

Cell Phone

Desk Phone



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TO: USCIS Service Center Operations (SCOPS) Leadership
FROM: Employment Professional Immigrant Classification Branch (EPIC)
DATE: August 2018
RE: Known Employer Assessment

Background

In January 2015, then-DHS Secretary Jeh Johnson announced his intent for DHS to consider a “Known Employer” pilot project to make the adjudication of employment-based immigration petitions and applications more efficient and less costly for both the Department and qualified U.S. employers who seek to employ certain foreign workers.

In March 2016, USCIS created the Known Employer (KE) pilot to assess the effectiveness of a streamlined process for certain immigrant and nonimmigrant employment-based visa petitions. The goals of the pilot were to test Known Employer’s ability 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 at U.S. Customs and Border Protection (CBP) and U.S. Department of State (DOS), leading to greater efficiency and consistency at ports of entry and consular posts.

As part of the pilot program, the Employment Professional Immigrant Classification Team (EPIC) established a prototype of a web-based tool called the Known Employer Document Library (KEDL) and created KE teams at four USCIS service centers to adjudicate Form I-950, Application for Predetermination Under the Known Employer Pilot Program. Employers used the KEDL to upload evidence and submit Form I-950 to participating service centers while service center KE teams used the KEDL to receive and adjudicate predeterminations.

The KE pilot was initially scheduled to last for one year but has been extended multiple times and is currently scheduled to run through May 31, 2020.

Pilot Program Findings

Having conducted a conceptual test of the KE program and after seeking input from the service centers, EPIC believes that the process is viable. However, in order to transition from a pilot to a permanent program a significant expenditure of resources will be required; an outlay which will involve multiple technical upgrades as well as rulemaking.

The KE pilot was designed to test the technical and operational feasibility of the KEDL, together with an innovative adjudicative process that leveraged that technology. While the KE pilot established that the use of predeterminations could be incorporated into a future adjudication process, the technical restrictions and limited scope of the current program pose a challenge to evaluating the effectiveness of a full scale program.

In order to transition the KE pilot into a permanent and robust program, we need to develop a more efficient clearance process for the I-950; the current predetermination process is too unwieldy to handle a higher filing volume. Additionally, the KEDL does not currently possess the infrastructure necessary to support



higher usage. A permanent program would be reliant on technical solutions in handling both the higher filing volume and in order to make the required gains in process efficiency. Key program findings are discussed below.

Over the course of the pilot, EPIC has identified the following operational and technical challenges:

- **Adjudicative Process**

KE teams were created at four of the service centers to help ensure USCIS met the goal of consistency. Immigration Services Officers (ISOs) from each participating service center currently have to jointly agree on a predetermination before a Form I-950 application is approved. Unsurprisingly, this committee approach has led to disputes over some predeterminations that required separate communication and additional meetings to resolve. For example, if an employer requested both an L-1 and E13 predetermination, all four KE teams were required to adjudicate what are essentially the same requirements because the L-1 nonimmigrant and E-13 immigrants are adjudicated by separate teams. The resolution of these adjudicative disputes required meetings with the service center KE teams, with the HQ KE team occasionally having to act as the “tie-breaker.” The task assignment and coordination functions were also handled by the HQ KE team, something that would not be feasible at higher volumes.

- **Employer Participation**

Employer engagement is presently lower than anticipated. While there are seven employers currently enrolled in the program, with one more employer about to be added, only four program participants have actively filed, having done so at a lower-than-anticipated rate. The low filing volume affects the amount of reliable data and may not reveal the full scope of potential issues that may result from higher program participation.

- **Interagency Website Access**

One of the goals of the KE pilot had been to allow CBP and DOS officers to access the documents uploaded into the KEDL, which promotes data-sharing and supports their adjudications. However, significant firewall issues prevented CBP and DOS users from accessing the KEDL website. Despite months of coordination with IT departments at CBP and DOS, as well as DHS OneNet, these firewall issues were never completely resolved, particularly for DOS users at overseas posts and all CBP users.

- **Participant Website/KEDL Access**

Participants have reported an inability to access the KEDL website, or more commonly, the KEDL itself. Because federal users accessed the system through a different webpage, these issues were not immediately identified until reported by a participant. This resulted in the KEDL being inaccessible for several days at a time on two separate occasions.

- **System Email Notifications**

The KEDL was designed to issue emails to federal and employer administrators to provide notification of user access requests, document uploads, and other important events requiring review. However, these emails were not always received due to a system error or because these emails were delivered to “junk” folders.

- **KEDL and Application Ease of Use**



Two KE participants reported that the process of uploading and tagging documents to identify their purpose was counterintuitive and criticized Form I-950 for its lack of dynamic form-filling options.

- **Filing Volume and Tracking**

Employer filing volume appears to be lower than anticipated, with CLAIMS only reporting a total of 25 KE petitions since 2016. Anecdotally, participants have indicated a higher usage of the program. There have also been challenges in tracking KE petitions within USCIS systems. In order to track the number of applications and petitions that contained a KE predetermination, ISOs have to manually data-enter a History Action Code (HAC) in CLAIMS. If the HAC code is not properly entered, then the application or petition cannot be electronically identified and service centers have indicated that during the early stages of the pilot they were not entering that information.

What is Needed for a Permanent Known Employer Program

In order to create a successful, permanent KE program, several facets of the system need to be developed further.

Technical Advances

Any permanent KE program should prioritize connectivity issues at all stages in the program but especially during the planning stage. The first step in the process would be to develop an electronic system that would support interagency, participant and KEDL access, send email notifications, connect with existing USCIS systems, and enable a more streamlined and user-friendly interface. A system to support a permanent program would require the following:

Required Changes for a Permanent Program

- a more stable platform for the web-based document library, with sufficient bandwidth capacity to handle a higher rate of usage while remaining consistently accessible to both federal and employer users;
- a KEDL with sufficient storage capacity available to handle a large volume of filers and the ability to retain those records for as long as required;;
- proper accessibility for DOS and CBP users;
- electronic application and notice generation;
- electronic alerts for RFE and NOID expiration as well as other time-sensitive issues; and
- automation of the predetermination workflow, including the vetting process, with a system that would allocate pending I-950 petitions to service centers with a work queue.

Additional Considerations

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Coordination with SCOPS Technology Coordination Division and DID(it), as well as DHS OneNET, will be key to the development of this system. Routine interagency and public testing will also be crucial for the success of the KEDL in a wider program, particularly with the expected increase in usage.



Regulatory Changes

In order to implement a permanent KE program, coordination within USCIS components, including the Office of Policy & Strategy (OP&S) and the Office of Chief Counsel (OCC), is needed to initiate new regulations, policies and procedures. Some anticipated regulations include:

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Streamlining the Adjudicative Process

The adjudicative process used in the KE pilot phase cannot sustain a wider KE program. In order to increase efficiency and to help ensure success, the KE process would have to be more robust and streamlined. EPIC would recommend the following possible solutions:

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The key component will be developing a process that leverages both existing USCIS systems and an adjudicative platform integrated with the document library that will allow KE to achieve its efficiency goal, and handle the increased workload, while also addressing the goal of consistency. Whether the cross-center KE team framework is kept, or predeterminations are decided by individual ISOs, it is expected that a permanent KE program would require a certain number of ISOs to devote most or all of their time to KE. The responsibility for resolving conflicting opinions on predeterminations would be reconciled at the service center level, and only elevated to the EPIC KE team in limited circumstances. Coordination and regular communication with the service centers in supporting these ISOs would also remain an important role for the EPIC KE team.

Employer Engagement

While employers surveyed are generally positive about the program and its possibilities, the current filing volume is not sufficient to test all aspects of the KE project. Service center KE teams need to be working predeterminations often enough to stay proficient in the program and officers working with petitions



submitted with approved predeterminations need to be familiar with what they are seeing. While a more stable KEDL interface and a streamlined adjudicative process may result in greater employer enthusiasm, USCIS may need to take additional steps in order to secure greater levels of employer participation in the intermediate stages of the pilot. Some possible ideas include:

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Other Considerations

While EPIC believes the KE program has demonstrated the capacity for gains in process efficiency, it will require investment in order to see that potential realized. One concern regarding the future development of a permanent KE program is that the cost of development and other program-related expenses may surpass the overall efficiencies achieved by the program. An alternative course of action would be

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This alternative option still requires the drafting of regulations and the development of a process, but would also be welcomed by petitioners.

From: [Fortes, Michael J](#)
To: [Hutchings, Pamela G](#)
Cc: [Collins, Gregory A](#); [Kilbane, John R](#)
Subject: Known Employer Assessment
Date: Monday, August 6, 2018 2:32:17 PM
Attachments: [Known Employer Assessment.docx](#)

Good afternoon Pam,

For your review, we've made a few additional edits to the known employer assessment. Please let us know if you have any questions or suggested edits.

Thank you,

-Mike

Mike Fortes
Service Center Operations
Employment Professional Immigrant Classification Team (EPIC)
Branch Chief

[Redacted]
[Redacted]

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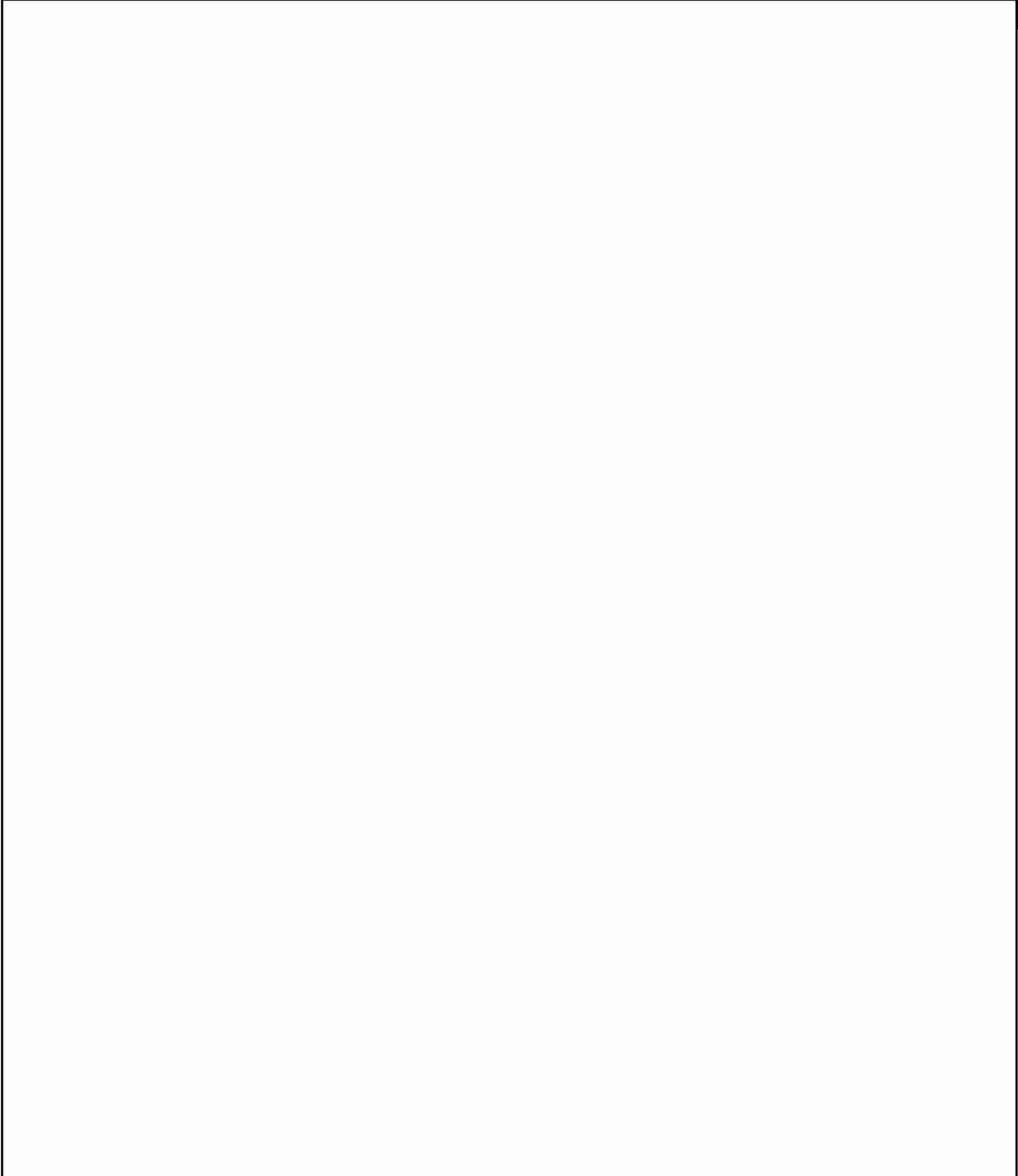
From: [Fortes, Michael J](#)
To: [Rand, Douglas B](#); [Collins, Gregory A](#); [Kilbane, John R](#)
Cc: [Orise, Sharon R](#)
Subject: RE: Known Employer Overview and Discussion
Date: Tuesday, September 28, 2021 7:38:47 AM

Good morning Doug,

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Responses are below. We would like to emphasize that SCOPS

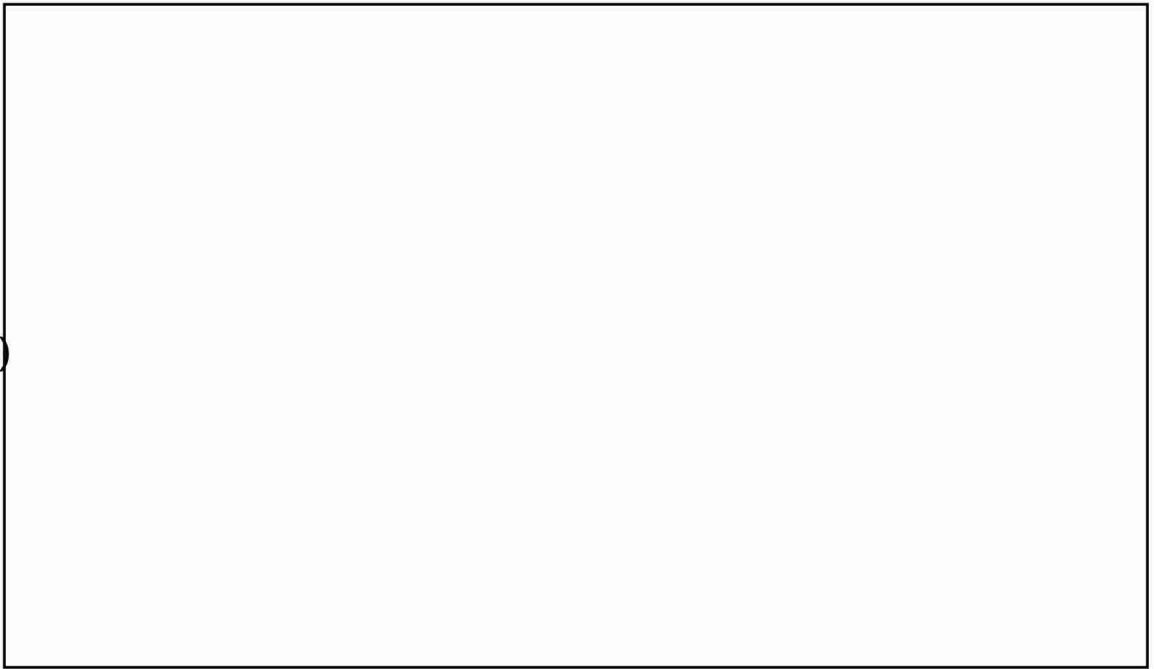
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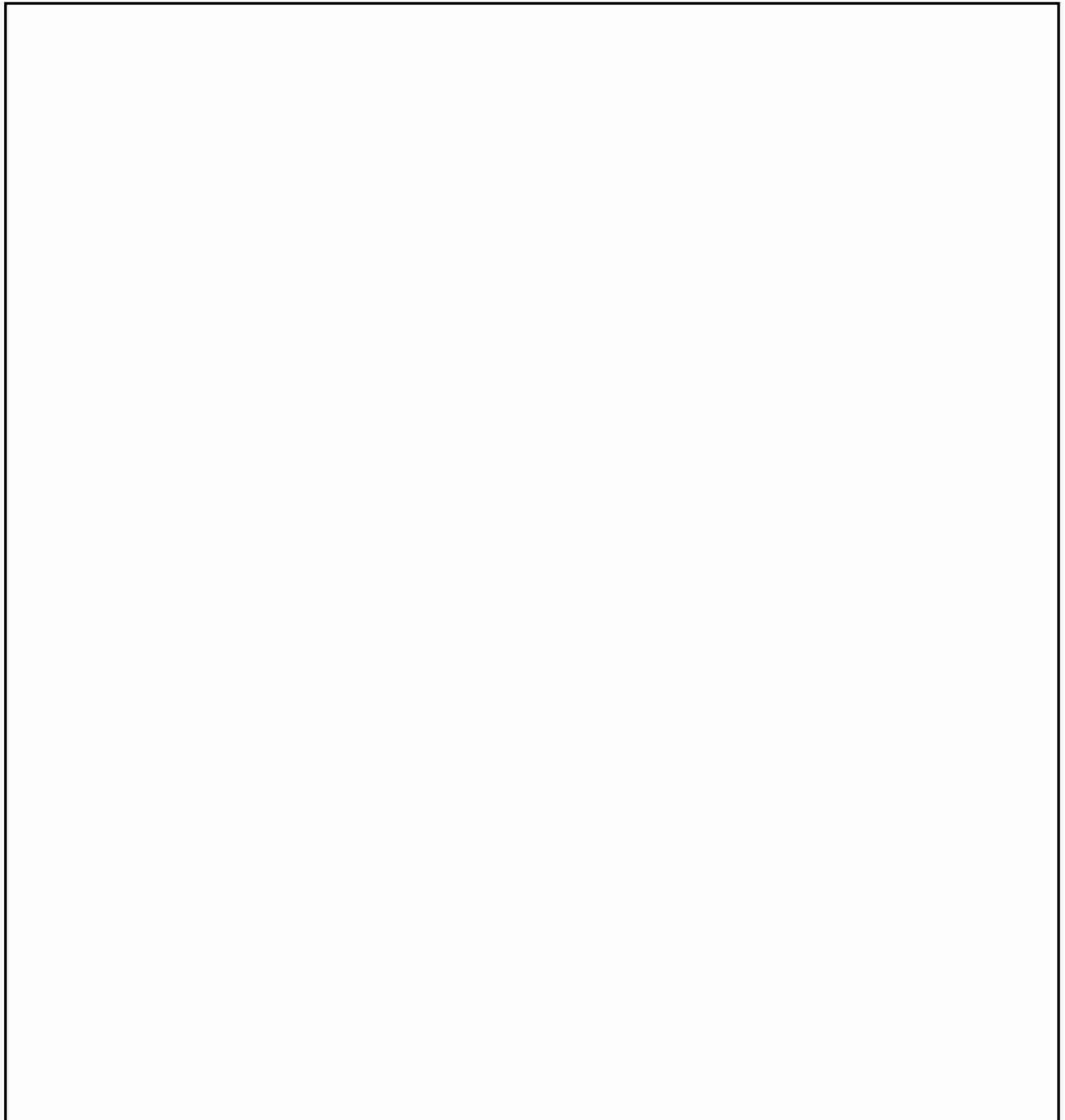
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Lessons

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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 <Douglas.B.Rand@uscis.dhs.gov>

(b)(6)

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

Thanks in advance!

From: Fortes, Michael J <[redacted]>

(b)(6)

Sent: Monday, September 27, 2021 2:45 PM

(b)(6)

To: Rand, Douglas B <[redacted]> Collins, Gregory A

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

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Cc: Orise, Sharon R <[redacted]>

Subject: RE: Known Employer Overview and Discussion

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Hi Doug,

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

Thank you,

-Mike

Mike Fortes

USCIS Service Center Operations

Employment Branch Chief: EPIC

Cell:

[redacted]

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From: Rand, Douglas B <[redacted]>

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Sent: Tuesday, September 21, 2021 4:21 PM

(b)(6)

To: Fortes, Michael J <[redacted]>; Collins, Gregory A

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

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Cc: Orise, Sharon R <[redacted]>

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Subject: RE: Known Employer Overview and Discussion

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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:

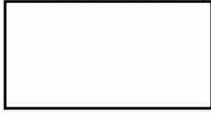
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[redacted]

Thanks again,

Doug

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



(b)(6)

From: Collins, Gregory A
To: Fortes, Michael J
Cc: Kilbane, John R
Subject: Memorandum - Known Employer Expiration
Date: Friday, October 30, 2020 10:29:00 AM
Attachments: Memorandum - Known Employer Expiration.doc

Hi Mike,

As requested, we drafted a Known Employer expiration plan for Connie.

Thank you,

Gregory Collins / Program Manager

DHS | USCIS | Service Center Operations | EPIC

Cell Phone:

Desk Phone:

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From: Fortes, Michael J
To: Kilbane, John R; Collins, Gregory A
Subject: FW: Known Employer
Date: Thursday, February 25, 2021 11:30:56 AM

FYI

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From: Fortes, Michael J
Sent: Thursday, February 25, 2021 12:26 PM
To: Meyers, Deborah <[redacted]>
Subject: RE: Known Employer

Hello Deborah,

I'm removing Mark he is now working with the appeals directorate, AAO.

USCIS ended the pilot at the end of 2020 (please see alert). We've advocated that the agency's

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[Large redacted area]

Please let me know if you have any other questions.

Thank you,

-Mike

Mike Fortes

USCIS Service Center Operations

Employment Branch Chief: EPIC

Cell [redacted]

From: Meyers, Deborah <[redacted]>
Sent: Thursday, February 25, 2021 11:52 AM
To: Brunner, Mark A <[redacted]>; Fortes, Michael J <[redacted]>

(b)(6)

Subject: Known Employer

Hi there! Long time no talk – and lots of changes in the interim. Whatever happened with Known Employer pilot – did it end/was there a report/was there a desire to draw from lessons to develop some sort of other program? Deborah

Deborah Waller Meyers

Director, Canadian Affairs

U.S. Department of Homeland Security

Desk:

[Redacted]

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Mobile:

[Redacted]

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[Redacted]



U.S. Citizenship
and Immigration
Services

October 30, 2020

Memorandum

TO: Connie Nolan, Deputy Associate Director, Service Center Operations

FROM: EPIC

SUBJECT: Known Employer Pilot Expiration

The U.S. Department of Homeland Security (DHS) created the Known Employer (KE) pilot to streamline the process for employers seeking to hire certain workers through nonimmigrant and immigrant visa classifications. The goals of the pilot were to reduce the amount of paperwork filed by employers and retained by USCIS, promote consistency in adjudications between the service centers, and to provide connectivity with agency partners. In 2016, the KE pilot was launched for one year, and has been extended several times; the pilot is currently scheduled to expire on December 31, 2020.

The agency's shift to electronic processing will provide electronic systems with capabilities that are greater than the pilot's and which either meet or exceed many of the goals initially set for the KE pilot. In light of this, there is little need to continue the current Known Employer pilot when the pilot's goals can be folded into the existing 2020 Service Design Initiative.

EPIC is therefore recommending that the agency end the pilot on its current December 31, 2020 expiration date, followed by the implementation of the decommissioning process. To that end, SCOPS recommends the following steps to phase out the Known Employer program:

- USCIS will remove the Known Employer webpage from the website.
- Letters will be issued to participants notifying them of the expiration of the program, slated for December 31, 2020.

Operational Plan:

- Provide messaging to the service centers and the IT team indicating that the pilot will be expiring and will not be renewed or extended, and discuss the decommissioning process.
- Decommission the KEDL website, in keeping with applicable retention requirements.

From: Moody, Donald D
To: Collins, Gregory A
Subject: RE: Known Employer - Program Check-In
Date: Friday, January 17, 2020 5:24:08 AM

Thank you Gregory. I appreciate the clarification.

Don Moody | Section Chief

I-140/I-485/I-360/I-765 (C35/36)

“Division One, One Division”

Nebraska Service Center, Star Building, Room 2077B

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

Sent: Thursday, January 16, 2020 3:06 PM

To: Moody, Donald D [redacted]; Frazier, Nicholas D

[redacted]; Lutz, Brian C [redacted] Davis, Margaret D

(Maggie) [redacted] Martin, Evelyn M [redacted]

Cc: Fortes, Michael J <[redacted]>; Kilbane, John R

[redacted]

Subject: RE: Known Employer - Program Check-In

Hi Don,

I just wanted to respond to one of your notes on documentary evidence for the pilot. You indicated that some of the evidence for petitioners in the library was outdated. SCOPS just wanted to provide some clarification on that point. A number of employers listed in the KEDL have become inactive since the start of the pilot and may have correspondingly outdated evidence, but for the sake of records requirements we have to keep their information in the library as past adjudications may have been based on it. The following employers are currently part of the Known Employer Pilot:

[redacted]

We should note that [redacted] has not updated their documentation and isn't actively filing under the program at the moment. Active employers are expected to upload documentation as part of continued participation and all of our currently active employers have documentation updated to at least FY 2018. Additionally, as part of the Known Employer Certification process, SCOPS has been renewing petitioners with publicly available financial documentation on an annual basis. At the moment, this only includes petitions by [redacted] which include the KE Certification Notice. We should note that it only covers the following predeterminations, as

listed on the KE notice included with their filings:

- L-1 Qualifying Relationship and Doing Business
- E13 Qualifying Relationship, Multinational and Doing Business
- E12, E13, E21, E31, and E32 Ability to Pay

SCOPS does upload the Known Employer Public Information Review (KEPIR) document to the KEDL, which documents that applicable evidence for the predetermination was reviewed. Unfortunately, it currently has to be uploaded under the Notice section of the website. We include links in these documents that show where we found the evidence that establishes the predeterminations covered.

To prevent confusion, we're going to begin uploading copies of the financial documentation used as well when we do KE Certifications. John went through and did that today, though due to the nature of the library, we've had to place it under the notice section (it's marked for Federal Only.)

Hopefully that clears up some of the confusion. If anyone has more questions, feel free to ask.

Thank you,

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

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

From: Moody, Donald D <[redacted]> (b)(6)
Sent: Monday, January 13, 2020 3:37 PM
To: Collins, Gregory A <[redacted]>; Frazier, Nicholas D <[redacted]>; Lutz, Brian C <[redacted]>; Davis, Margaret D (Maggie) <[redacted]>; Martin, Evelyn M <[redacted]>
Cc: Fortes, Michael J <[redacted]>; Kilbane, John R <[redacted]>
Subject: RE: Known Employer - Program Check-In

Good Afternoon,

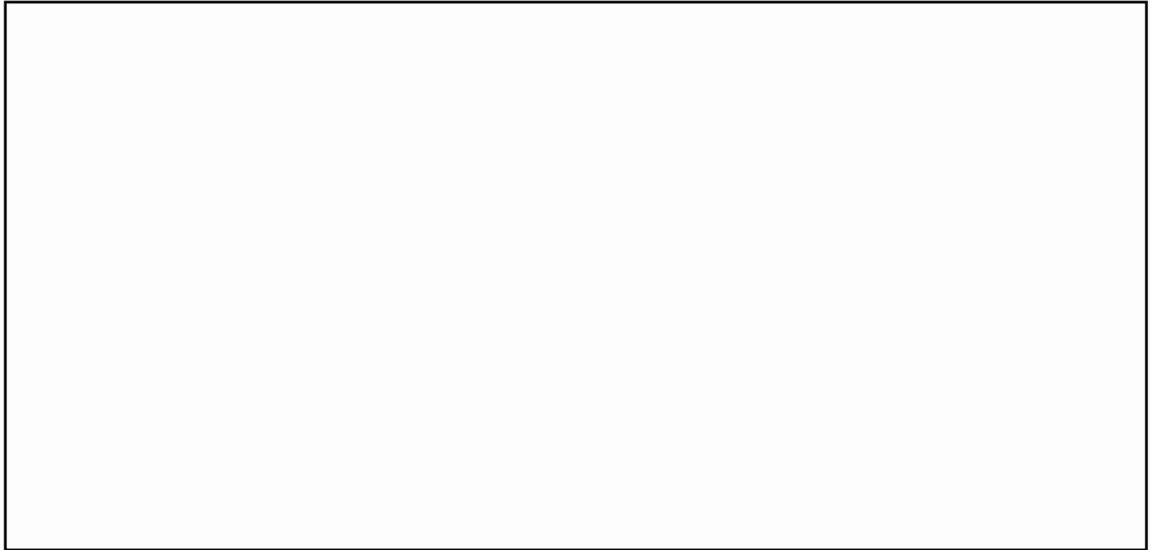
I have inquired of our Senior, our SISO and some of our officers who work the KE petitions. Here is the consolidated feedback that I have received. So far in FY20 we're receiving between 10 and 20 (more specifically, 18, 17, and 10 for October through December, respectively).

- Have your officers noticed any time savings working with KE petitions? [redacted]

If so, how much time do they think they may have saved with pre-adjudications?
If not, why?

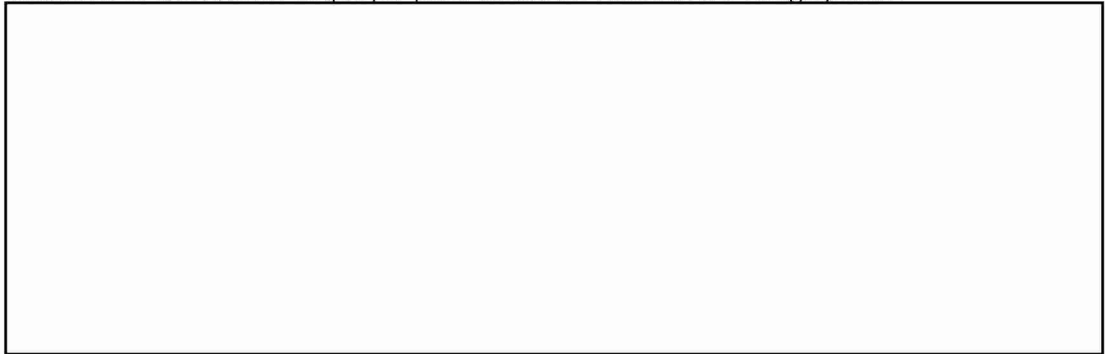
[redacted]

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- Do you have any thoughts on the possibility of converting elements of the Known Employer pilot into e-Processing?
- What elements of the Known Employer pilot would be viable in a e-filing system?

(b)(5)



- What elements of the Known Employer pilot would be viable in a e-filing system?
 - The concept of uploading of supporting documentation for a petition electronically with a petition.
- Any other thoughts on what elements of the pilot have been useful or not useful?

(b)(5)



Thank you for the opportunity to provide feedback on the program thus far. Please let me know if you have any further questions.

Don Moody | Section Chief

I-140/I-485/I-360/I-765 (C35/36)

“Division One, One Division”

Nebraska Service Center, Star Building, Room 2077B

From: Collins, Gregory A <[redacted]>

Sent: Friday, January 10, 2020 3:11 PM

To: Frazier, Nicholas D <[redacted]>; Lutz, Brian C

<[redacted]>; Davis, Margaret D (Maggie) <[redacted]>;

Moody, Donald D <[redacted]>; Martin, Evelyn M

<[redacted]>

Cc: Fortes, Michael J <[redacted]>; Kilbane, John R

<[redacted]>

Subject: RE: Known Employer - Program Check-In

(b)(6)

(b)(6)

(Adding Donald Moody and Evelyn Martin.)

Hi NSC,

SCOPS is going to be having an impromptu discussion with OPS on the Known Employer pilot next week and we wanted to reach out to the service centers for some feedback. SCOPS is really interested in what the field’s experience with the pilot and your honest opinion. If you could discuss with your officers and/or seniors working KE petitions and get a response back to me on the following (by COB Monday):

- Have your officers noticed any time savings working with KE petitions?
 - If so, how much time do they think they may have saved with pre-adjudications?
 - If not, why?
- Do you have any thoughts on the possibility of converting elements of the Known Employer pilot into e-Processing?
 - What elements of the Known Employer pilot would be viable in a e-filing system?
- Any other thoughts on what elements of the pilot have been useful or not useful?

(Additionally, I removed Ronna Simon from the chain when I saw her title had changed.)

Thank you,

Gregory Collins / Program Manager

DHS | USCIS | Service Center Operations | EPIC

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

Known Employer Pilot Program Update

Background

- USCIS created the Known Employer (“KE”) pilot in order to assess the effectiveness of a streamlined process for certain immigrant and nonimmigrant employment-based visa petitions.
- 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 at U.S. Customs and Border Protection (CBP) and U.S. Department of State (DOS), leading to greater efficiency and consistency at ports of entry and consular posts.
- The pilot was launched on March 3, 2016, with the original duration of one year.
- Following the initial run, the pilot was initially extended through December 31, 2017 and more recently through May 31, 2020.
- The Known Employer program utilizes the web-based Known Employer Document Library (KEDL) to allow participating employers to upload supporting documents and eliminates traditional paper-based filing of certain “predetermination” requests.
- USCIS reviews the uploaded documentation and predetermines whether a prospective employer has satisfied certain eligibility requirements for the select visa classifications.
- The pilot encompasses the following visa classifications:

Nonimmigrant Visa Classifications (Form I-129)	Immigrant Visa Classifications (Forms I-140, I-360)
H-1B, L-1A, L-1B, R-1, TN	E12, E13, E21, E31, E32, SD-1, SR-1

- The participating employers may request predeterminations of the following petitioner requirements by uploading Form I-950, Application for Predeterminations Under the Known Employer Program:
 - E13 Qualifying Relationship, Multinational and Doing Business
 - E12 Private Employer Requirements
 - E12, E13, E21, E31, and E32 Ability to Pay
 - R-1, SD-1, and SR-1 Tax-Exempt Status
 - R-1, SD-1, and SR-1 Salaried or Non-Salaried Compensation
 - R-1 Self-Supporting
 - R-1, SD-1, and SR-1 Religious Organization Documents Uploaded
 - L-1 Qualifying Relationship and Doing Business
 - H-1B Cap Exempt
 - H-1B ACWIA Fee Exempt

Current Status

- In May, 2018, USCIS expanded the Known Employer program to include predeterminations related to religious worker classifications. As part of this program expansion, USCIS has invited



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the [redacted] participate in the program. In December, 2018, [redacted] began submitting petitions through the program.

- In August, 2018, USCIS conducted an assessment of the Known Employer program in order to evaluate both program successes and issues.
- In October, 2018, SCOPS began testing an addition to the KE Pilot under the new Known Employer Certification Program. Using publicly available information, such as SEC filings, to make predeterminations on established petitioners, the Known Employer pilot has provided the certification program for eligible KE participants in order to test a simplified predetermination process. This allows SCOPS to test the feasibility of a streamlined version of the KE process for large publicly traded companies using publicly available information.
- In May, 2019, SCOPS removed [redacted] from the program due to inactivity. SCOPS has previously removed [redacted] and [redacted] from the program due to inactivity.
- In June, 2019, SCOPS began vetting a list of prospective program participants for potential additions to the program. The selection of candidates focused on employers with a high degree of business related activity across the classifications associated with KE predeterminations.

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Current Participants		Petitions filed FY 2019	
[redacted]	Day Saints		[redacted]

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(b)(4)

[redacted] has expressed interest in amending their current Known Employer filing.

Removed Participants

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

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Challenges Beyond the Pilot

- The Known Employer pilot was originally designed with a paper based filing system in mind. The agency's move to e-processing will require an e-filing system that will likely remove the need for an exclusive KE document library. While the concept of applying predeterminations to eligible classifications remains viable, with officers giving deference to previously adjudicated evidence, it needs to be considered through the lens of e-processing.
- KEDL is a stand-alone system that is not integrated with any other USCIS system. With the agency's move to e-processing, any version of the KE program that moves forward will need to be integrated into e-filing system.

From: [Fortes, Michael J](#)
To: [Monica, Donald J](#)
Cc: [Collins, Gregory A](#)
Subject: Known Employer documents
Date: Thursday, August 8, 2019 2:47:54 PM
Attachments: [Known Employer - Participant Recommendations.docx](#)
[Known Employer - Update.docx](#)
Importance: High

Hello Don,

Two documents are attached. The first is a "recommendation" document for the potential new additions to the program. This has been placed into a format that should be suitable for agency front office review, after SCOPS leadership clears.

The second is a known employer "update". This document may be shared with DHS (the inquiry from this morning), and explains the current state of the program.

Please let us know if you have any questions. I'm coping Greg who working on the drafting of the documents but who will also be acting for the branch tomorrow.

Thank you,

-Mike

Mike Fortes
Service Center Operations
Branch Chief: EPIC Employment Branch

(b)(6)

Office
Cell:



Known Employer – Participant Recommendations

Background

The Known Employer (KE) pilot was created to assess the viability of a new adjudicative process. The pilot is centered on a Web-based document library and allows employers to request that United States Citizenship and Immigration Services (USCIS) review and predetermine certain eligibility requirements for a limited number of immigrant and nonimmigrant visa classifications.

Issue

The Employment Professional Immigration Classification (EPIC) Branch recently removed three participants of the Known Employer pilot in order to make room for new employers to join the pilot. Added to a previous slot reserved from the last round of removals, this gives the agency four openings in the program for prospective employers before hitting the limit imposed on the agency by Privacy and Records Act (PRA) constraints.

Selection Process

In attempting to determine which entities might represent the highest potential for successful data collection, we reviewed internal SCOPS figures to determine a list of companies with a high volume of filing and broad representation across certain immigrant and nonimmigrant visa classifications. From the list of entities, we identified those companies that had a consistently high volume of those immigrant and nonimmigrant visa classifications that are currently included in the KE program as well as few that are potential additions. We believe that the list compiled represents a strong set of candidates which would be most likely to participate actively and utilize the various predeterminations that we currently grant. After vetting the initial list of potential KE pilot participants, [REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED] When determining our initial list of candidates we reviewed the list of classifications currently available under the Known Employer program and their associated predeterminations:

- Immigrant Classifications Included in Known Employer:
 - E12, outstanding professor or researcher
 - E13, multinational executive or manager
 - E21, members of the professions holding advanced degrees or aliens of exceptional ability
 - E32, professionals
 - E31, skilled workers
 - SD-1, ministers of religion
 - SR-1, certain religious workers

- Nonimmigrant Classifications Included in Known Employer:
 - H-1B, specialty occupation worker
 - L-1A, intracompany transferee in a managerial or executive capacity
 - L-1B, intracompany transferee in a position involving specialized knowledge
 - R-1, religious worker
 - TN, Canadian and Mexican citizens engaged in business activities at a professional level under the North American Free Trade Agreement (NAFTA)

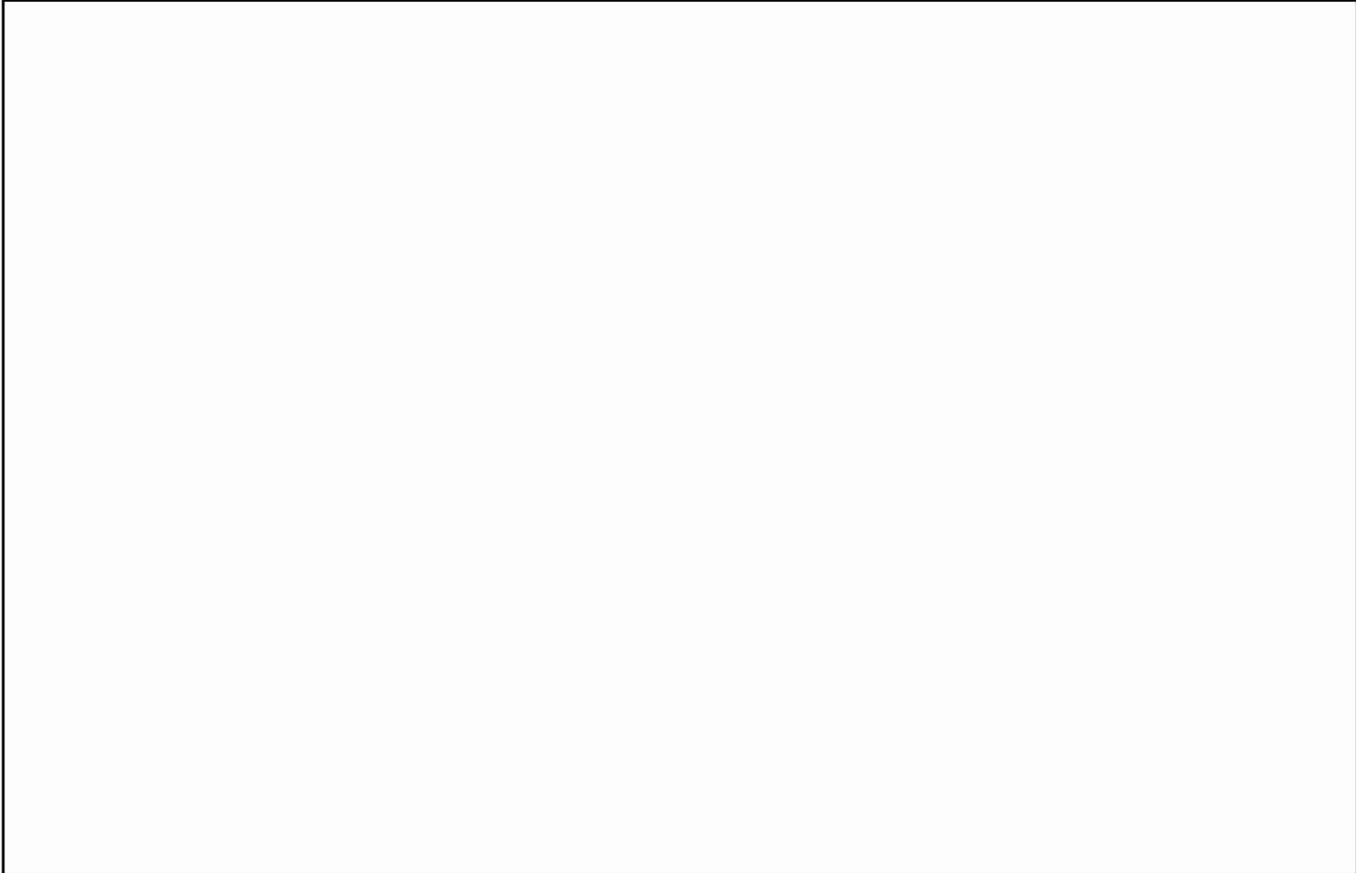


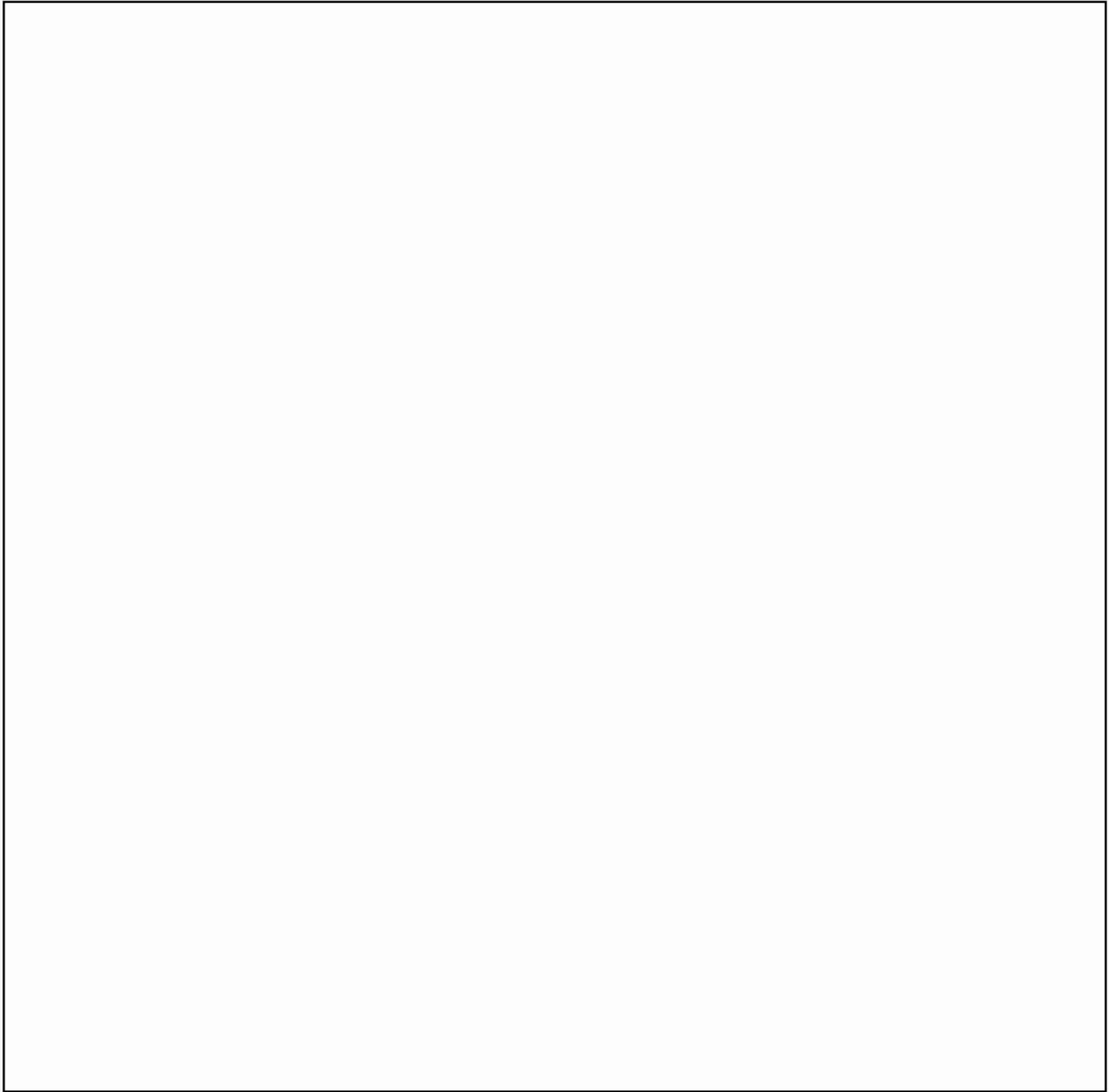
- Predeterminations provided by the Known Employer program,
 - Qualifying Relationship and Doing Business (L-1)
 - Qualifying Relationship, Multinational and Doing Business (E13)
 - Ability to Pay (E12, E13, E21, E31, and E32)
 - E12 Private Employer Requirements (E12)
 - H-1B Cap Exempt
 - H-1B ACWIA Fee Exempt
 - Tax Exempt Status(I-129 R-1 and I-360 SD/SR)
 - Salaried or Non-Salaried Compensation(I-129 R-1 and I360 SD/SR)
 - Self-Supporting(I-129 R-1)

Due to the recent addition of religious worker classifications to the pilot and the relative inactivity of business classifications in comparison, EPIC’s review of prospective candidates focused on identifying employers with a high degree of business activity across the classifications associated with KE predeterminations. These candidates were primarily selected for their filing volume among the I-140 immigrant visa classifications (e.g. E13, E21, E32, and E31) and the I-129 nonimmigrant L1 classifications due to the wide variety of predeterminations this covered. While all of the listed employers have high H1B filing rates, none of them are eligible for Cap Exempt or American Competitiveness and Workforce Improvement Act (ACWIA) fee exempt status due to being for-profit entities and therefore would not qualify under the H-1B Cap Exempt or H-1B ACWIA Fee Exempt predeterminations. Again, it should be noted that the Known Employer program currently has four spots available to new participants without triggering PRA requirements:

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(b)(5) Recommendation

EPIC Branch would recommend the selection of [redacted] for the initial outreach efforts in filling program vacancies. With [redacted] reserved as an alternate selection for unfilled slots. Additionally, EPIC can begin preparations for an expanded alternate list, in the event of more than one open vacancy.